



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

December 13, 2007

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Ann Nielson
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
Bob Leeman, Planner III
Marie Cheek, Planning Tech II
Carrie Logan, Planner I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Greg Johnson, Planner I
Steve Mishu, Water Services
Jonathan Honeycutt, Public Works

Commission Members Absent:

Victor Tyler

I. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced the following: "As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel."

Ms. Hammond announced that Item #13, 2007SP-171G-14, Old Hickory Village Condos and Neighborhood Center, included a correction. The caption should read "...a request to change from CS and OR20 to SP-MU." She also announced that a new item would be added to the agenda and numbered Item #39. The addendum would be entitled "Direction from the Commission to staff regarding administration of the new Business Motor Vehicle Establishment law".

1/30/2008 8:20:49 AM

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously to adopt the agenda as presented. (6-0)

III. APPROVAL OF NOVEMBER 8, 2007 MINUTES

Mr. Dalton moved and Mr. Clifton seconded the motion, which passed unanimously to approve the November 8, 2007, minutes as presented. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilwoman Langster spoke in opposition to Item #7, Hallmark at River View Homes. She explained the issues regarding the proposal which included the lack of infrastructure, easement issues, as well as environmental issues. She mentioned that the residents affected by this proposal were also opposed to the development. She requested that the development be disapproved. She suggested that a Low Rent Housing Summit be developed in the new year in order to properly review this area of concern.

Commissioner Cummings arrived at 4:10 pm.

Councilmember Coleman expressed issues regarding Item #2007Z-180U-13. He spoke of the requested rezoning which contains some land uses unwanted by the residents. He explained that the request would not pass the second reading at Council until there is a clear understanding of the proposed development.

Councilman Toler spoke regarding Item #3 and 4, 2007Z-175G-12 and 2007P-004G-12, Governors Chase II. He explained that he held a community meeting regarding this development and discussed the outstanding issues contained within the proposal with area residents. He requested that additional explanation regarding the connectivity be given during its presentation. He also spoke regarding Item #5, 2007S-264G-12, Christiansted Valley Reserve. He explained the issues associated with the proposal as well as the resolution in which the residents would like to see included in the development. Councilman Toler then spoke in favor of Items #28 and 30, 89P-018G-12, Gillespie Meadows and 2004P-013G-12, Mill Creek Towne Center, which were on the Consent Agenda for approval with conditions.

Councilmember Claiborne spoke in favor of Item #29, 94P-012-14, which was on the consent agenda for approval with conditions. He then spoke in favor of Item #11, 2007SP-064U-14, Price's Collision Center. He explained the motivation behind the proposal and requested its approval.

Commissioner Neilson arrived at 4:15 pm.

Councilmember Stanley spoke in favor of Item #20, 2007S-301U-14, Cloverwood Subdivision which was on the Consent Agenda for approval with conditions. He then mentioned Item #15, 2007Z-178T, Council Approval of Urban Design Overlay-Final Site Plans. He presented information to the Commission for review when Item #15 is presented for discussion.

Councilmember Jernigan spoke in favor of Item #13, 2007SP-171G-14, Old Hickory Village Condos and Neighborhood Center. He explained that he held a neighborhood meeting regarding this proposal and it was from this meeting that the residents would like to have an SP for this development.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|---------------|---|--|
| 6. | 2005S-261G-04 | Liberty Downs - Request to extend the preliminary approval to September 22, 2008, where the preliminary approval expired on September 22, 2007, for 59 lots in a cluster lot subdivision located on the east side of Liberty Lane | – deferred indefinitely at the request of the applicant. |
| 12. | 2007Z-167U-08 | Germantown Historic District - Request to apply the historic overlay district to 548 properties in Germantown bounded by Rosa Parks Boulevard, Jefferson Street, Hume Street, and 2nd Avenue North | – deferred to January 10, 2008, at the request of the applicant. |

- | | | | |
|-----|---------------|--|---|
| 21. | 2007S-309U-13 | The Parks at Priest Lake (Prelim. Revision) - Request to revise a previously approved preliminary plat to create 70 single-family and 9 two-family cluster lots where 83 single-family cluster lots, located at 3222 Anderson Road and Brantley Drive (unnumbered) | - deferred until January 10, 2008, at the request of the applicant. |
| 31. | 2005P-008G-06 | Harpeth Village (Rite-Aid Pharmacy) - Request for final site plan approval for a portion of the Harpeth Village Planned Unit Development located at 7996 Highway 100 | - deferred indefinitely at the request of the applicant. |

Ms. Nielson moved and Mr. Gotto seconded the motion to approve the Deferred and Withdrawn Items as presented. **(8-0)**

Ms. LeQuire recused herself from voting on Item #12, 2007Z-167U-08, Germantown Historic District. **(8-0-1)**

VI. PUBLIC HEARING: CONSENT AGENDA

COMMUNITY PLANS

- | | | | |
|----|---------------|--|---|
| 1. | 2007CP-09-03 | Kings Lane - Request to amend the Bordeaux-Whites Creek Community Plan: 2003 Update and the associated DNDP for Kings Lane Corner for properties located on the south side of Kings Lane west of Clarksville Pike. | - Approve |
| 2. | 2007CP-20U-11 | South Nashville Community Plan: 2007 Update - Request to adopt the updated plan for the South Nashville community including detailed design plans for the Woodbine North, Woodbine South, Radnor North and Radnor South neighborhoods along the Nolensville Pike Corridor. | - Approve, including proposed Revision #1 |

PREVIOUSLY DEFERRED ITEMS

- | | | | |
|----|---------------|---|--------------------------|
| 5. | 2007S-264G-12 | Christiansted Valley Reserve (Formerly Holt Hills, Sec. 3) - Request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road. | - Approve w. conditions. |
|----|---------------|---|--------------------------|

ZONING MAP AMENDMENTS AND FINAL SITE PLANS

- | | | | |
|-----|----------------|---|------------------------|
| 8. | 2004SP-090G-12 | Kingsport Estates, Ph. 1 (Final) - Request for SP-R final site plan approval for a portion of property located at 5748 Pettus Road, to construct 33 single-family dwelling units. | - Approve w/conditions |
| 9. | 2006SP-161U-09 | The Pinnacle at Symphony Place (Final) (formerly "The Crown") - Request for SP-MNR final site plan approval to construct 534,373 square feet of office, retail and restaurant. | - Approve w/conditions |
| 10. | 2006SP-162G-04 | Thornton's Myatt Drive (Final) - Request for Specific Plan-Commerical (SP-C) final site plan approval for approximately 1.87 acres located at 317 Myatt Drive and 900 Anderson Lane, to permit the development of a 3,740 square foot convenience store with gasoline services. | - Approve w/conditions |
| 14. | 2007Z-177G-04 | Request to rezone from OR20 to CS property located on the south side of Spring Branch Drive. | - Approve |
| 17. | 2007Z-180U-13 | Request to rezone from AR2a to IWD properties located at 12872 and 12900 Old Hickory Boulevard. | - Approve |
| 19. | 2007SP-186U-09 | Rolling Mill Hill District Bldg. - Request to rezone from CF to SP-R district and final site plan approval for property located at Middleton Street (unnumbered), to permit no maximum height at the property line for the "District Building". | - Approve w/conditions |

CONCEPT PLANS

- 21. 2007S-309U-13 The Parks at Priest Lake (Prelim. Revision) - Request to revise a previously approved preliminary plat to create 70 single-family and 9 two-family cluster lots where 83 single-family cluster lots were previously approved on property located at 3222 Anderson Road and Brantley Drive (unnumbered). - Approve w/conditions
- 22. 2007S-313G-12 Old Hickory Crossing - Request for concept plan approval to create 116 lots on properties located at Old Hickory Boulevard (unnumbered). - Approve w/conditions

FINAL PLATS

- 24. 2007S-305G-14 Hickory Hills, Ph. 3, Sec. 19, Resub. Lots 245 & - Request for a sidewalk variance in Phase 3, Section 19 of the Hickory Hills subdivision for properties located at 2725 Leesa Ann Lane and 3000 Darrington Way. - Approve with a variance to Section 3-8.2 of the subdivision regulations for sidewalks.
- 25. 2007S-308G-01 Roberts Estates - Request for final plat approval to create 8 lots on properties located at 7931 Whites Creek Pike, Whites Creek Pike (unnumbered) and Baxter Road (unnumbered). - Approve w/conditions

REVISIONS AND FINAL DEVELOPMENT PLANS

- 23. 2007S-293U-13 1207 Currey Road - Request to relocate a house from 210 Paddock Lane in Nashville to vacant property located at 1207 Currey Road. - Approve.
- 26. 69-82-U-12 Landmark (Final) (Formerly Cotton Lane Townhomes) - Request for final site plan approval for a Planned Unit Development located at Cotton Lane (unnumbered). - Approve w/conditions
- 28. 89P-018G-12 Gillespie Meadows - Request to revise a portion of the final site plan and for final approval for a Commercial Planned Unit Development located at 6005 Nolensville Pike, to permit a two-lane drive-thru facility with 16,992 square feet of restaurant, retail, and office uses. - Approve w/conditions
- 29. 94P-012U-14 Fairfield Communities PUD (Amenities Center) - Request to revise a portion of the preliminary plan and for final site plan approval for a portion of the Fairfield Communities Planned Unit Development located at 2415 McGavock Pike, to permit a 2,340 square foot amenities center. - Approve w/conditions
- 30. 2004P-013G-12 Mill Creek Towne Centre (Regions Bank) - Request to revise a portion of the preliminary plan and for final approval of the Mill Creek Towne Center Commercial Planned Unit Development located at 6700 Nolensville Pike, to permit a 3,820 square foot financial institution where 5,200 square feet of retail/restaurant uses and to revise portions of the plan to adjust parking throughout the development. - Approve w/conditions

OTHER BUSINESS

33. Proposed Amendments to Commission Rules and Procedures. - Approve
34. Correction to the September 27, 2007 minutes. - Approve
35. 2004S-104G-13 - Preserve at Old Hickory, Phase Two - A request to clarify the previous action to extend the approval of preliminary plat for 157 lots, located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way. - Approve
36. Contract between the Greater Nashville Regional Council (GNRC) and the Nashville Davidson County MPC acting on behalf of the Nashville Area MPO for transportation planning services. - Approve
37. Contract between the Regional Transportation Authority (RTA) and the Nashville-Davidson County MPC acting on behalf of the Nashville Area MPO for commuter rail planning services. - Approve
38. Memorandum of Agreement for the Administration of the MPO Regional Planning Dues Policy between the Nashville Area Metropolitan Planning Organization and the Metropolitan Government of Nashville-Davidson County" - Approve

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to approve the Consent Agenda as presented. (9-0)

Councilmember Page thanked the Planning staff for their work with her community. She stated that the residents were very pleased with the plan and were appreciative of the efforts of the staff.

VII. PUBLIC HEARING: COMMUNITY PLANS

1. 2007CP-09-03 Kings Lane

A request to amend the Bordeaux-Whites Creek Community Plan: 2003 Update and the associated DNNDP for Kings Lane Corner for properties located on the south side of Kings Lane west of Clarksville Pike.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST Amend the *Bordeaux- Whites Creek Community Plan 2003 Update: Kings Lane Corner DNNDP* changing the land use policy on approximately 12.9 acres from Single Family Detached (SFD) in Residential Low Medium (RLM) to Single Family Attached and Detached (SFAD) and Single Family Detached (SFD) in Neighborhood General (NG).

BORDEAUX-WHITES CREEK COMMUNITY PLAN EXISTING POLICIES

Single Family Detached (SFD) SFD is the detailed land use policy that includes single family housing that varies based on the size of the lot. Detached houses are single units on a single lot (e.g. typical single family house).

Residential Low Medium (RLM) RLM is a Structure Plan category designed to accommodate residential development within a density range of about two to four dwelling units per acre. RLM areas are generally applied to existing suburban residential areas or to underdeveloped and undeveloped areas suitable for development in the aforementioned density range. Single family residential, public benefit and small open spaces are allowable land uses.

PROPOSED LAND USE POLICY

Single Family Attached and Detached (SFAD) SFAD is the detailed land use policy that includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhomes).

Single Family Detached (SFD) SFD is the detailed land use policy that includes single family housing that varies based on the size of the lot. Detached houses are single units on a single lot (e.g. typical single family house).

Neighborhood General (NG) NG is the Structure Plan category intended to apply to existing areas that are, and are envisioned to remain, predominately residential in character, and to emerging and future areas that are planned to be predominantly residential. NG areas generally contain a variety of housing that is carefully arranged, not randomly located. Single family residential, public benefit and small open spaces are allowable land uses.

BACKGROUND The applicants approached the Planning Department interested in pursuing residential development on property located in the southwest quadrant of Clarksville Highway and Kings Lane. During pre-application meetings, prior to the applicant submitting a site plan or finalizing a housing type, staff determined that the SFAD and SFD in NG would be more appropriate for the applicant and the site, as it would allow additional flexibility in residential design.

COMMUNITY PARTICIPATION The amendment of the detailed land use policy from SFD in RLM to SFAD and SFD, both in NG, is in keeping with the intent of the *Bordeaux- Whites Creek Community Plan: 2003 Update and the Kings Lane Corner DNDP* and was determined to be a minor plan amendment. Community meetings are not required for minor plan amendments.

Notice of this application was sent to neighboring properties prior to the public hearing as required by the Planning Commission rules.

ANALYSIS

DNDP Goals and Objectives The requested amendment is in keeping with the following goals and objectives of the *Bordeaux- Whites Creek Community Plan: 2003 Update and the Kings Lane Corner DNDP*.

Residential Areas

Goal 2: To create an urban feel along Clarksville Pike, outside of the core of walkable centers.

- Develop a variety of appropriate housing types for urban living that will provide for the needs of a diverse population.

Goal 3: To provide for the housing needs of a diverse population, allowing individuals to relocate within the same community as their needs and circumstances change.

- Provide attached townhouses with small private yards or courtyards outside of walkable center cores that cater to people who want the feel of a detached home without all of the required maintenance.

The proposed amendment allows for a mixture of single family attached and detached housing that may be realized in the form of a cottage, or a townhome building type, encouraging development that may meet the housing needs of a diverse population as housing needs change throughout the life cycle.

The amendment area lies just beyond the Kings Lane Corner Walkable Center Core. In addition to providing housing choice, the SFAD detailed land use policies will act as a transition between more intense residential land uses allowed in the existing Mixed Housing (MH) detailed land use policy in the walkable center along Clarksville Pike and less intense residential land uses allowed in the existing SFD detailed land use policy on the edge of the walkable center along Kings Lane.

The proposed detailed land use policies would be within the proposed structure plan category NG. NG requires the use of a design specific zoning tool; this would not have been a requirement under the existing RLM land use policy.

STAFF RECOMMENDATION The amendment to SFAD and SFD in NG is in keeping with the intent of the Community Plan and the DNDP and staff recommends approval.

Approved, *Consent Agenda (9-0)*

Resolution No. BL2007-381

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-09-03 is **APPROVED. (9-0)**”

2. **2007CP-20U-11**
South Nashville Community Plan: 2007 Update

A request to adopt the updated plan for the South Nashville community including detailed design plans for the Woodbine North, Woodbine South, Radnor North and Radnor South neighborhoods along the Nolensville Pike Corridor.

STAFF RECOMMENDATION: Approve, including Proposed Revision #1.

APPLICANT REQUEST A request to adopt the updated plan for the South Nashville Community including detailed design plans for the Woodbine North, Woodbine South, Radnor North and Radnor South neighborhoods along the Nolensville Pike Corridor.

SOUTH NASHVILLE COMMUNITY PLAN

COMMUNITY PARTICIPATION Staff conducted five meetings in the South Nashville community from late March through the end of May regarding updating the community plan. Three meetings were held in June and July involving preparation of the design plans for the neighborhoods along the Nolensville Pike corridor. One final meeting was held in October at which both the draft community plan and the neighborhood design plans were presented and discussed.

Notification of community meetings as well as the December 13, 2007, public hearing were published in newspapers and posted on the Planning Department's website. Two separate flyers announcing the community meetings were sent to property owners throughout the community. Additionally, email or regular mail was periodically sent to an expanding list of participants. An estimated 200-plus individuals participated in the process.

In response to an inquiry about a potential rezoning in the Lewis/Trimble Street area raised subsequent to the posting of the final draft of the plan, staff held a meeting in late November with leaders of the Chestnut Hill neighborhood to consider Proposed Revision #1 to the plan, as described below.

HIGHLIGHTS *South Nashville Community Plan: 2007 Update*

Land Use Policy Element For over 80 percent of the South Nashville community, the proposed community plan will not substantively change the policies put in place in the previous (1999) community plan. This includes areas with no change in policy and areas with minor "housekeeping" changes, as follows:

- The land use policies for 22 percent of the community (2,136 acres) will not change at all. This includes Glencliff, Glenview and other established suburban residential areas in the southeast section of the community.
- For about 28 percent of the community (2,809 acres); old policy categories are being replaced with newer ones that allow basically the same types of uses. This housekeeping change includes the Elm Hill, Foster/Polk Avenue and Sidco industrial policy areas, and a small amount of natural conservation policy along Mill Creek.
- "Open Space" policy is being applied to major cemeteries and all publicly owned areas that contain civic, institutional and opens space uses. These areas were included in other policy categories in the 1999 plan. This change involves about 10 percent of the community (1,006 acres.) The large cemeteries in the Elm Hill and 100 Oaks areas, along with the vacant portion of the former Tennessee Preparatory School (TPS) site, account for almost two-thirds of this change.
- For about 21 percent of the community (2,024 acres), older policy categories are being replaced by newer ones that allow similar uses, but which place greater emphasis on design of development. These changes involve older urban residential areas, such as Chestnut Hill, Wedgewood-Houston, Woodbine and Radnor; much of Berry Hill; and the areas along Nolensville Pike and Murfreesboro Pike where current policy supports a mixture of residential and commercial activities.

Approximately one-fifth of the community (1,902 acres) is proposed to have substantive changes in land use policy. In order from most to least significant, these changes are as follows.

- An estimated 6 percent (562 acres) of the community that is currently industrial policy is being changed to "Neighborhood Urban," a policy category that allows light industrial uses, but is mainly intended to evolve

into a well-designed, integrated mix of residential and nonresidential development.

- Almost 4 percent (389 acres) of the community currently in various land use policy categories is being designated “Natural Conservation.” It reflects the floodway and floodway buffer portion of the 100-year floodplains along the Cumberland River, Browns Creek and Mill Creek that are not currently designated “Natural Conservation.” These areas are already regulated by the storm water management regulations; the addition of Natural Conservation policy acknowledges the development restraints on these sites.
- About 3 percent (270 acres) is industrial policy being changed to “Community Center,” which is intended for a well-designed, integrated mix of residential and commercial activities, but no industrial uses. Over 60 percent of this area is already in commercial and residential use.
- Slightly over 2 percent (219 acres) of the community is being changed from various policy categories to “Major Institutional.” This change applies to the Trevecca Nazarene University area and the developed portion of the former TPS site on Foster Avenue.
- Under 2 percent (175 acres) of the community currently in residential policy categories is being changed to allow a mix of residential and nonresidential. These areas are already zoned for, and contain, nonresidential development or a mixture of uses.
- Miscellaneous changes are proposed for the remaining 1.7 percent (171 acres) of the community. The largest areas are the fairgrounds racetrack (27 acres) being changed to “Impact” policy, the Plus Park development (70 acres) next to I-24/ being changed to “Office Concentration” policy, and a 27-acre residential development on Lebanon Pike near Spence Lane being changed from industrial to residential policy.

Other key features of the South Nashville Community Plan: 2007 Update are as follows.

- Preservation and protection of the vast majority of the community’s established residential areas are goals of the plan. Rezoning is recommended for areas where the existing zoning does not reflect the area’s established character and preservation is intended. New residential opportunities in these areas are limited mainly to compatible infill on the vacant and underutilized lots.
- Opportunities for residential growth are provided mainly in the areas designated for a mixture of uses, particularly the areas designated “Neighborhood Urban” and “Community Center.” Zoning tools such as Urban Design Overlays or the Specific Plan zoning district will be used to ensure that, through careful urban design, subsequent development contributes to the larger sense of community and distinctive place and responds to both pedestrian and vehicle needs.
- Economic development is envisioned mainly through the intensification of already established and committed areas of mixed and nonresidential development. Long-term, the 100 Oaks/Sidco area is envisioned to be the most intensely developed area in the community.
- The plan encourages urban design that provides opportunities for more active lifestyles and promotes the health and well-being of the community’s residents. More mixed use development, more compact residential development, additional parks and pedestrian-oriented transportation system improvements are all aimed at fostering more active living.
- The plan includes seven “special policy areas” that address concerns such as: the future use of the fairgrounds and Greer Stadium site; the mix and character of development in several areas along Thompson Lane and the Glencliff Drive area; and the character of development along Murfreesboro Pike.
- The plan recommends 12 neighborhoods and the Murfreesboro Pike corridor for detailed design planning. Detailed design plans have been prepared for the four neighborhoods along Nolensville Pike south of I-440 and are being considered for adoption in conjunction with this updated community plan (see discussion below on “Nolensville Pike Corridor Detailed Neighborhood Design Plan.”)

Transportation Element For enhanced multi-modal travel, traffic relief and greater pedestrian friendliness, recommendations are made on the following: selective major street and intersection projects; additional bikeways more sidewalks, multi-use paths and greenways; and traffic management/ calming projects.

- The plan recommends adding certain streets in the Chestnut Hill area to the collector street plan.
- The plan recommends re-evaluation of the planned four-lane arterial involving McCall St, Elgin St. and its extension to Armory Drive. It also recommends re-evaluation of the planned widening of Nolensville Pike and several interstate highways that traverse and are along the edge of the community.
- The plan encourages a development pattern more supportive of transit service along Nolensville and Murfreesboro Pikes.

Open Space Element The community contains a variety of parks and planned school/parks. The plan recognizes a need for neighborhood parks in two areas:

- 1) the vicinity of I-440 and Nolensville Pike and
- 2) the vicinity of Nolensville Pike and Elgin/McCall streets.

The needs in these areas are partially addressed in the proposed neighborhood design plans discussed below.

NOLENSVILLE PIKE DETAILED NEIGHBORHOOD DESIGN PLAN (Woodbine North, Woodbine South, Radnor North and Radnor South Neighborhoods)

HIGHLIGHTS *Nolensville Pike Corridor Detailed Neighborhood Design Plan*

The highlights of the Nolensville Pike Corridor DNNDP are:

- Redeveloping Nolensville Pike into a vertically mixed use corridor with three distinct types of areas as follows:
 - (1) areas that are predominantly residential with ground floor mixed uses up to three stories to be applied north of Woodbine/Lutie streets, between Timmons Street and Patterson Street/Thuss Avenue and from Veritas Avenue south to the railroad;
 - (2) mixed use, walkable centers with residential, office and commercial up to four stories to be located between Woodbine/Lutie streets and McClain Avenue and between Patterson Street/Thuss Avenue and Veritas Street; and
 - (3) an intense mixed use walkable center of activity up to six stories at the intersection of Nolensville Pike and Thompson Lane.
- Revitalizing and expanding the neighborhood center along Foster Avenue from Lutie Street to south of Carter Street .
- Providing a variety of housing, mainly next to the mixed use areas along Nolensville Pike and Thompson Lane to meet the diverse needs of current and future residents while preserving the area's predominantly single family character.
- Expanding Coleman Park and providing a new east-west street, sidewalks and multi-use paths to enhance access to and around the park. Converting the former Radnor water tower site to a neighborhood park and expand its size. Providing new mini-parks on the south side of Thuss Avenue and the south side of Harrison Street to alleviate open space deficiencies in these areas.
- Accommodating transitional office uses along the south side of Veritas Street and a mix of uses at the corner of Veritas Street and Keystone Avenue next to the Allied Drive industrial district. Also accommodating transitional office uses in designated areas along segments of Collier Avenue and Simmons Avenue next to the mixed use area along Thompson Lane.
- Providing choices for travel by making transit viable, and accommodating bicycles in addition to safe pedestrian facilities for a complete multi-modal network.
- Accommodating the light industrial area generally along and west of Grandview Avenue.

PROPOSED REVISION #1 TO THE SOUTH NASHVILLE COMMUNITY PLAN: 2007 UPDATE

HIGHLIGHTS *Proposed Revision #1*

This proposed revision involves changing the land use policy from Neighborhood General (NG) to Neighborhood Urban (NU) in the final draft of the South Nashville Community Plan: 2007 Update for the area along both sides of Lewis Street between Perkins Street and the alley north of Andrew T. Whitmore Street eastward to the NCO policy along Browns Creek (see graphic).

This change would expand the range of potential uses supported by the plan to include office, commercial and even light industrial activities based on a detailed neighborhood design plan. Almost all of the area is currently zoned industrial IR or IWD. This proposed revision was discussed with representatives of the Chestnut Hill neighborhood in late November and they were in support of it.

STAFF RECOMMENDATION Staff recommends approval of:

1. "Proposed Revision #1"
2. The "South Nashville Community Plan: 2007 Update" as amended by Proposed Revision #1, and
3. The "Nolensville Pike Corridor Detailed Neighborhood Design Plan" as proposed.

Approve, including Proposed Revision #1, **Consent Agenda (9-0)**

Resolution No. BL2007-382

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-20U-11 – the South Nashville Community Plan: 2007 Update, and the Nolensville Pike Corridor Detailed Neighborhood Design Plans -- is **APPROVED, including proposed Revision #1 to the South Nashville Community Plan: 2007 Update. (9-0)**

VIII. PREVIOUSLY DEFERRED ITEMS
ZONING MAP AMENDMENTS

3. **2007Z-175G-12**
Map 181-00 Parcel 090
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to change from CL and AR2a to MUL (2.76 acres) and RM15 (5.06 acres) zoning property located at 6365 Nolensville Pike, at the northwest corner of Holt Road and Nolensville Pike (7.82 acres), requested by Atwell-Hicks, applicant, for General Construction Co. Inc., owner. (See also PUD Proposal No. 2007P-004G-12).

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST A request to change from Commercial Limited (CL) and Agricultural/Residential (AR2a) to Mixed Use Limited (MUL) (2.76 acres), and Multi-Family Residential (RM15) (5.06 acres) zoning for property located at 6365 Nolensville Pike.

History This application was heard at the November 8, 2007, Planning Commission meeting. The application was deferred by the Planning Commission to allow additional time for the Traffic Impact Study to be completed. The public hearing was closed by the Commission.

Existing Zoning

CL District - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

RM15 District - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

SOUTHEAST COMMUNITY PLAN

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Corridor General (CG) CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. Both zoning districts are consistent with the area’s policies. While the plan calls for a portion of commercial in the Corridor General policy area, which is not intended for stand alone commercial uses, the overall PUD plan is consistent with both the Corridor General and Neighborhood General policies.

Maximum Uses in Existing Zoning District: CL and AR2a

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	8.63	0.5	4	54	13	6

Maximum Uses in Proposed Zoning District: MUL with PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.76	N/A	17,926	356	48	99

Maximum Uses in Proposed Zoning District: RM15 with PUD

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	5.87	15	72	486	40	46

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				788	+75	139

METRO SCHOOL BOARD RePORT

Projected student generation 10 Elementary 7 Middle 5 High

Schools Over/Under Capacity Students would attend Shayne Elementary School, Oliver Middle School and Overton High School. All three schools have been identified as full by the Metro School Board. There is capacity for in the adjacent Glencilff cluster, but only for middle school students. The fiscal liability generated by this request is \$140,000 for elementary students and \$100,000 for high school students. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION The requested MUL and RM15 districts as well as the associated preliminary PUD are consistent with the area's policies and staff recommends that the rezoning request be approved.

Mr. Swaggart presented and stated that staff is recommending approval.

Ms. Cummings requested additional information regarding the widening of traffic lanes in this area in relation to this proposal.

Mr. Swaggart explained this concept to the Commission.

Mr. Honeycutt, Public Works, further explained the necessity of widening of Holt Road in relation to the proposed development.

Ms. Nielson requested additional information regarding the access points to this proposed development.

Mr. Honeycutt explained this concept to the Commission.

Mr. Clifton expressed concerns regarding the density of the proposal as well as the topography of the area. He requested clarification on the progress this proposal has made since it was heard in November.

Mr. Swaggart explained that the only progress was that Public Works was able to review and make recommendations on the traffic impact study.

Mr. Clifton then requested whether the developer has acknowledged the issue of the topography of the area and whether any changes have been made.

Mr. Swaggart stated that the developer has worked with the topography of the area.

Mr. Clifton then spoke of the density of the proposal and its affect on current residential properties.

Mr. Swaggart addressed this concern.

Councilman Toler requested further clarification on the distances of driveways and access points included in the proposal.

Mr. Swaggart explained these distances to the Councilman and the Commission.

Mr. Honeycutt explained there would be requirements placed on the site distances and access points contained in the proposal.

Councilman Toler then requested additional information regarding an existing driveway on Nolensville Road and its elevation in relation to the proposal.

Mr. Swaggart explained this concept to the Councilman.

Ms. LeQuire requested additional information regarding water quality issues.

Mr. Mishu explained that stormwater issues would be addressed during the construction review process.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously to approve Zone Change 2007Z-175G-12 and approve with conditions preliminary Planned Unit Development 2007P-004G-12. **(9-0)**

[Note: Items #3 and #4 were discussed by The Metropolitan Planning Commission together. See Item #4 for actions and resolutions.]

4. **2007P-004G-12**
Governors Chase II
Map 181-00, Parcel 090
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for preliminary PUD approval for property located at 6365 Nolensville Pike, at the northwest corner of Nolensville Pike and Holt Road (7.82 acres), zoned CL and AR2a and proposed for MUL and RM15, to permit 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space, requested by Atwell-Hicks, applicant, for General Construction Company Inc., owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -Preliminary PUD

A request for preliminary PUD approval for property located at 6365 Nolensville Pike, at the northwest corner of Nolensville Pike and Holt Road (7.82 acres), zoned Commercial Limited (CL) and Agricultural/Residential (AR2a) and proposed for Mixed Use Limited (MUL) and Multi-Family Residential (RM15), to permit 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space.

History This application was heard at the November 8, 2007, Planning Commission meeting. The application was deferred by the Planning Commission to allow additional time for the Traffic Impact Study to be completed. The public hearing was closed by the Commission.

PLAN DETAILS

General The request is for preliminary approval for a new Planned Unit Development to permit the development of 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space. The property is located at the northwest corner of Nolensville Pike and Holt Road. The property is on a large hill that slopes up from the road and is densely wooded except for a small portion along Nolensville Pike. There are two structures along Nolensville Pike, while the remainder is vacant.

The office and retail space will be provided in a two-story structure fronting Nolensville Pike. The floor area ratio (FAR) will be 0.28, well below the 1.0 permitted in the MUL district. The residential portion of the plan will be behind the commercial building and will include 72 units at a density of approximately 14 dwelling units per acre. The residential units will be provided in two 36 unit structures.

The commercial portion will primarily be accessed from Nolensville Pike and the residential portion will primarily be accessed from Holt Road. While access points are provided for both portions of the development, the two sections will be connected by a private drive so the commercial and the residential portions of the development will have access to both Nolensville Pike and Holt Road.

Sidewalks The plan shows sidewalks along Nolensville Pike. The plan also shows an adequate internal sidewalk system which will allow ease of pedestrian movement between the residential and commercial portions of the development. Sidewalks are not shown along Holt Road, and are not required as this request is outside the Urban Services District and has a Sidewalk Priority Index (SPI) score less than twenty. Because this is a PUD sidewalks can be required, but due to the steepness of the topography along Holt Road, staff is not requiring that a sidewalk be constructed.

Parking A total of 280 parking spaces are shown on the plan. This meets the parking requirements of the Zoning Code. A majority of the parking will be provided on surface parking. There will also be some garage parking provided beneath the two residential buildings.

Landscape Buffer A "C" type landscape buffer yard is shown along the northern and western property line. An A type landscape buffer is shown between the commercial portion and residential portion of the PUD.

Environmental While the property is on a large hill, the proposed plan works well with the existing topography and limits the amount of cut that will be required.

Staff Analysis The plan is consistent with the area's policies. Furthermore, the proposed plan is sensitive to the environmental challenges of the site, and has been designed to limit cutting of the hill.

PUBLIC WORKS RECOMMENDATION

1. Show professional seal.
2. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
3. Along Nolensville Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
4. Along Holt Road, label and dedicate right of way 30 feet from centerline to property boundary, consistent with the approved major street / collector plan.
5. Widen Nolensville Road to provide a continuous three lane cross section along the property frontage from Holt Road to the proposed Nolensville Road driveway with transitions per AASHTO/MUTCD standards.
6. Widen Holt Road to provide a continuous three lane cross section along the property frontage from the existing turn lanes at Nolensville Road to the proposed Holt Road driveway.
7. Widen Holt Road to provide 75 feet of left turn storage at the proposed driveway with transitions per AASHTO/MUTCD standards.
8. Provide and document with the submittal of construction plans that adequate sight distance can be provided from the proposed driveway at the Holt Road.
9. Record cross access easements between the residential and commercial areas of development.

STORMWATER RECOMMENDATION Approved with conditions

1. For the east section of the site, water quality can't be handled through an underground detention system.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. A second sidewalk connection shall be provided from the commercial portion of the development to the sidewalk along Nolensville Pike. This connection shall near the Nolensville Pike/Holt Road intersection.
2. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
3. All Public Works conditions shall be met and bonded prior to final plat.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan

incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Resolution No. BL2007-383

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-175G-12 is **APPROVED. (9-0)**

The proposed MUL and RM15 zoning districts, and the associated Planned Unit Development are consistent with the Southeast Nashville Community Plan’s Neighborhood Center policy, which is intended for mixed use areas that act as local centers and include residential development, and Corridor General policy, which is for residential development along major streets.”

Resolution No. BL2007-384

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007P-004G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A second sidewalk connection shall be provided from the commercial portion of the development to the sidewalk along Nolensville Pike. This connection shall near the Nolensville Pike/Holt Road intersection.
2. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
3. All Public Works conditions shall be met and bonded prior to final plat.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The mixed-use Planned Unit Development and associated MUL and RM15 zoning districts are consistent with the Southeast Nashville Community Plan’s Neighborhood Center policy, which is intended for mixed use areas that act as local centers and include residential development, and Corridor General policy, which is for residential development along major streets.”

CONCEPT PLANS

5. **2007S-264G-12**
Christiansted Valley Reserve (Formerly Holt Hills, Sec. 3)
Map 172-00, Parcel 149
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road, at the end of Christiansted Lane (10.02 acres), zoned RS15, requested by Rubel Shelly et ux, owners, Clinard Engineering Associates LLC, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road (10.02 acres), at the end of Christiansted Lane, zoned Single-Family Residential (RS15).

History This application was heard at the November 8, 2007, Planning Commission meeting. The application was deferred by the Planning Commission to allow the developer to negotiate the acquisition of right of way on a 50 foot parcel north of this site and provide an eastern connection. The public hearing was closed by the Commission

ZONING

RS15 District -RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

PLAN DETAILS The plan proposes 24 single-family residential lots in Christiansted Valley Reserve, a cluster lot development. The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Zoning Code. The proposed lots range in size from 7,520 square feet to 12,189 square feet.

Open Space Pursuant to Section 17.12.090(D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. The plan identifies 3.51 acres of common open space (35% of the site).

Steep Slopes Section 17.28.030 of the Zoning Code requires developments utilizing this option to cluster the lots on portions of the site that have natural slopes of less than 20%. Several areas on the site have slopes of 20% or greater. The lot layout is sensitive to those slope limitations, and the plan has been designed to preserve these areas in their natural state.

Critical lots Section 3-3.2 of the Subdivision Regulations requires lots created on slopes 20% or greater to be designated as critical lots. The concept plan identifies four lots as critical lots on the site. A critical lot plan will be required for these lots and a minimum width of 75 feet at the building line is required for lots where the slope rises away from or is parallel to the street.

Access/Street Connectivity The development is accessible by a public road that extends through the adjacent subdivision, Christiansted Valley, which connects to Mt. Pisgah Road. An internal public road extends to the west, ending in a cul-de-sac, and to the east providing a stub street for a future connection.

Sidewalks Sidewalks are proposed on both sides of all streets.

Infrastructure Deficiency Area Due to the lack of connectivity and an existing road system that is supportive of a more rural development pattern, traffic congestion and limited alternative routes are prevalent in this area. Consequently, the area is considered to be transportation deficient, and is designated as an Infrastructure Deficiency Area (IDA). Properties within the IDA area are required to make improvements to roadway within the IDA. The applicant will be required to improve approximately 133 linear feet of roadway within the IDA. Specific locations of roadway to be improved will be determined by Public Works. This is in addition to any other off site roadway improvements required by Public Works.

Analysis The purpose of the cluster lot option is to provide for flexible design, the creation of common open space, the preservation of natural features or unique or significant vegetation (Section 17.12.090). In exchange for alternative lot sizes, the development must include “common open space” that provides “use and enjoyment” value, that is, recreational, scenic or passive use value to the residents.

The cluster lot option provides design flexibility when the natural features and topography restrict development on the site. This concept plan successfully addresses constraints to development by preserving the steep slopes and designating 35% of the site as open space. The plan also provides the recommended future street connection to the east. The Southeast Community Plan states, specifically, that the planned connection of Christiansted Lane to Holt Hills Road, Bradford Hills Drive, and Mt. Pisgah Road should be implemented with the greatest sensitivity to the quality of life of area residents. Methods such as indirect connections and traffic calming measures should be employed to keep vehicle speeds low and to minimize traffic volumes. This stub street to the east will eventually facilitate an indirect street connection that reduces vehicle speed and minimizes traffic volumes, while still providing the needed connectivity.

PUBLIC WORKS RECOMMENDATION

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Construct connectivity street to property boundary.
3. Construct IDA improvement linear footage as stipulated (BL2007-1519 / RS2007-161 / 2007Z-089G-12).

STORMWATER RECOMMENDATION Approved

FIRE MARSHAL RECOMMENDATION This stage of the project is approved. More information will be needed for development beyond this point.

1. Any fire flow less than 20 psi will require a fire sprinkler system.
2. Fire Hydrants shall be in-service before any combustible material is brought on site.
3. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
4. Metro Ordinance 095-1541 Sec: 1568.020 B

STAFF RECOMMENDATION Staff recommends approval with conditions of the concept plan for Christiansted Valley Reserve. The concept plan adequately satisfies the provisions of the cluster lot development.

CONDITIONS

1. The concept plan shall be revised to show the stub street to the east extending street pavement to the property boundary and removal of the berm and landscape buffer from the right of way area.
2. Prior to final plat recordation, 133 linear feet of roadway improvements within the IDA area shall be constructed or bonded, as approved by Metro Public Works.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-385

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-264G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The concept plan shall be revised to show the stub street to the east extending street pavement to the property boundary and removal of the berm and landscape buffer from the right of way area.
2. Prior to final plat recordation, 133 linear feet of roadway improvements within the IDA area shall be constructed or bonded, as approved by Metro Public Works.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.”

OTHER BUSINESS

6. **2005S-261G-04**
Liberty Downs
Map 026-00, Parcel 032, 033, 131
Subarea 4 (1998)
Council District 10 - I. C. "Rip" Ryman

A request to extend the preliminary approval to September 22, 2008, where the preliminary approval expired on September 22, 2007, for 59 lots in a cluster lot subdivision located on the east side of Liberty Lane, approximately 850 feet north of Peebles Court (17.38 acres), zoned RS10, requested by Austin M. Writesman & Jack Nixon, owners, MEC Inc., surveyor.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED INDEFINATELY the request to extend Preliminary Plat 2005S-261G-04, at the request of the applicant. (8-0)

IX. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

FINAL PLATS

7. **2007S-289U-08**
Hallmark at River View Homes, Ph. 1
Map 081-00, Parcel 045
Subarea 8 (2002)
Council District 21 - Edith Taylor Langster

A request for concept plan approval to create 55 lots of which 41 lots are designated for single-family and 14 lots for duplex units for a total of 69 dwelling units on property located at Clarksville Pike (unnumbered), approximately 790 feet west of Ed Temple Boulevard (14.25 acres), zoned R6, requested by Charles Binkley and Eatherly Family Holdings Co., owners, T-Square Engineering, surveyor.

STAFF RECOMMENDATION: Approve with conditions, including a variance from Section 3-4.2 of the Subdivision Regulations for street frontage.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 55 lots of which 41 lots are designated for single-family and 14 lots for

duplex units for a total of 69 dwelling units on property located at Clarksville Pike (unnumbered), approximately 790 feet west of Ed Temple Boulevard (14.25 acres), zoned One and Two-Family Residential (R6).

History The applicant deferred this request at the November 8, 2007, Planning Commission meeting in order to work out issues with the second access and to allow the Councilmember time for a second community meeting. The Commission strongly encouraged the applicant to attend the meeting.

ZONING

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. Under the current zoning, the number of lots permitted is 103. With the consideration that 25% are duplex lots, the total permitted unit count is 126.

PLAN DETAILS The plan proposes 55 lots on four new streets. The lot sizes range from 6,003 to 10,975 square feet. The property is zoned R6, and 25% of the lots in the subdivision may be duplex units; therefore 14 lots (28 units) in the proposed subdivision are designated as duplex units. The majority of duplex lots are located on corners. A note has been added to the concept plan that states "All duplex lots other than 30 & 31 shall address each street or open space with architectural features such as doors, windows, dormers, porches, etc." Lots 30 and 31 are two of the larger lots in the development, which are appropriate for standard duplexes within this development.

Access The applicant deferred this request at the November 8, 2007, Planning Commission meeting in order to work out issues with the second access. Originally, the applicant has shown a second access to Ed Temple Boulevard through an existing 50' easement to the east, and has proposed a design that has both vehicular and pedestrian access. The easement runs through the parking lot of an adjacent apartment complex. Staff requires some upgrades to this easement to insure that it functions more like a road than a parking lot. Prior to the November 8, 2007, Planning Commission meeting, the applicant submitted revised plans with the access to Ed Temple Boulevard and staff recommended disapproval.

The plan once again shows a full second access point with both vehicular and pedestrian access. The second access has 12' lanes, an 8' grass strip with street trees, and an 8' wide sidewalk. The parking for the apartment complex remains the same because the spaces can not be easily reconfigured in a way that meets the minimum number required by the Zoning Ordinance.

Although there is an easement, documentation must be submitted with the development plan demonstrating that the neighboring property owner agreed to permit construction of the proposed driveway and to permit permanent ingress/egress to the project. The development plan shall include construction plans for the proposed second access. If the easement cannot be upgraded, then a similar, secondary access drive/road must be obtained prior to approval of the development plan. The driveway must be upgraded to the standards shown on the concept plan prior to the issuance of any building permits.

Variance for Lot Frontage Section 3-4.2 requires that each lot have frontage on a public street. The original plan submitted to the Planning Department included open space that was not usable. Staff worked with the applicant to redesign the plan to incorporate almost the same number of lots and an open space that is usable for the entire subdivision. This design includes four lots fronting onto the open space. Two of these lots are accessible from an alley but do not have frontage on the public street. Therefore, staff recommends a variance from Section 3-4.2 in order to provide usable open space for the community. The two lots do have alley access at the rear, while the open space is narrow enough to allow emergency vehicles to access the homes, if necessary.

History A request to rezone this property to Specific Plan was on the agenda for the February 22, 2007, Planning Commission meeting. The request was recommend for approval for 96 multi-family units in seven buildings. The request was withdrawn on second reading at Metro Council.

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Show River View Lane as an access / utility easement to the adjacent lot. Confirm proposed modifications to adjacent property with adjoining property owner. Verify remaining parking count per code requirements. Minimum parallel parking space is 8' x 23'.

Construct an acceleration lane on Clarksville Pike per AASHTO/MUTCD standards for motorist turning left from this development.

Construct the access drive onto Clarksville Pike with one entering and two exiting lanes

No residential lots shall have direct driveway access to Clarksville Pike.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions, including a variance from Section 3-4.2 of the Subdivision Regulations for no lot frontage on a public street.

CONDITIONS

1. Prior to the development plan submittal, the applicant shall acquire the right to upgrade the existing easement to Ed Temple Blvd as shown on the concept plan. Documentation must be submitted with the development plan demonstrating that the neighboring property owner has granted a public access easement to permit construction of the proposed driveway and to permit permanent ingress and egress to the project. The development plan shall include construction plans for the proposed second access. If the easement cannot be upgraded, then a similar, secondary access drive/road must be obtained prior to approval of the development plan. No grading permits will be issued prior to development plan approval. The driveway must be upgraded to the standards shown on the concept plan prior to the issuance of any building permits.
2. Revised plans shall show 12' lanes, a wide grass strip with street trees and a wide sidewalk. Street trees shall be canopy trees, planted 25 feet on center, minimum 2 inch caliper at planting.
3. All building envelopes shall be outside of areas of 25% slope or greater and 100 year flood elevation. Building envelopes shall be 25 feet from the top of fill slope. Show building envelopes for Lots 10-30 only and label these as critical lots.
4. Shift the lot lines between Lots 30 and 31 to even out the lot sizes.
5. A geotechnical study must be submitted with the development plan application. The number of lots may be required to be reduced and/or the location of lots changed based on the outcome of the geotechnical study.
6. Revised plans must comply with Public Works requirements.
7. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

Ms. Logan presented and stated the staff is recommending approval with conditions.

Mr. Taylor Harris, 315 Deadrick Street, spoke in opposition to the proposed development.

Mr. Paul Widman, 501 Oxford Place, spoke in favor of the proposed development.

Mr. Tim Turner, 2558 Nashville Highway, spoke in favor of the proposed development.

Mr. Melvin Gill, 1821 Ed Temple Blvd., spoke in opposition to the proposed development.

Dr. David Padgett, 377 Athens Way, #123, spoke in opposition to the proposed development.

Mr. Dwayne Barrett, 2708 Belmont Blvd, spoke in favor of the proposed development.

Councilwoman Langster spoke in opposition to the proposed development.

Rev. John Beach, 1803 25th Avenue North, spoke in opposition to the proposed development.

Councilmember Gotto expressed issues with the building site being designated as a dumping area and requested clarification from staff.

Ms. Logan addressed this concern.

Mr. Bernhardt added that staff has placed a geotechnical study requirement on this development site and that the study would be required prior to any approvals.

Mr. Gotto requested that the Commission receive a copy of the traffic impact study for this proposal. He also expressed concerns regarding the development site as well as any legal ramifications regarding this proposal.

Ms. Cummings expressed concerns regarding access points contained in the proposal. She specifically requested clarification on the "acceleration lane" depicted in the presentation.

Mr. Honeycutt explained this concept to Ms. Cummings.

Ms. Cummings expressed concerns regarding the acceleration lane and its safety to vehicles accessing it in order to reach the development. She stated that this particular area was not a good place for development. She acknowledged the issue that this site has been used for dumping in the past and would welcome to opportunity to review the environmental study. She then questioned the figures used to determine the benefits these new homes would have for its future residents.

Mr. Bernhardt briefly summarized the request being made of the Commission in relation to this proposed development.

Mr. Clifton spoke to several issues associated with the proposal. He further summarized that it was the Commission's role to look at several factors to determine the proposal's impact on the existing area. Mr. Clifton then questioned whether the Commission could base their recommendation on the issue of access points included in the development.

Mr. Bernhardt offered a summary of the staff's recommendation which included the requirement of a second access point.

Mr. McLean offered his opinion on the legal issue and the access points.

Mr. Morrissey stated that the Commission has the authority to disagree with the staff recommendation which would allow only one access point. He then spoke of the Fire Marshal's in relation to emergency vehicles accessing this development. He further noted that this request was a subdivision request and that it could be deferred, also.

Commissioner Nielson questioned whether the Commission could defer this request.

Mr. Bernhardt offered that the Commission could disapprove due to lack of information regarding environmental issues or request that the applicant request its deferral.

Ms. Hammond stated that the timing of the process for this request began at the last meeting which was November 15. She further stated that the next meeting would not be until January 10, 2008.

Mr. Kleinfelter stated that the project could be deferred without penalty due to the fact it was previously deferred by the applicant.

There was a brief discussion ensued regarding the Commission's options on this request.

Mr. Ponder requested additional information regarding the 100 year floodplain.

Ms. Logan addressed this question.

Mr. Mishu clarified the 50% rule, which only applies to previously undeveloped areas. He also stated that all runoff from this development site would run into the river.

Ms. Nielson questioned Mr. Mishu on land fills and environmental concerns of this site.

Mr. Ponder questioned whether the geotechnical study addressed any borings and fills and if they were stable to support any type of structures on this site.

Mr. Mishu explained this concept to the Commission. He also added additional information on fill included in floodplains.

Ms. Jones spoke of the issue of costs that the developer would incur in developing this site.

Mr. Dalton stated he had many concerns with the request. He stated he could not support this request until additional information was obtained.

Ms. LeQuire questioned the number of units included in the proposal as well as the staff recommendation's to require two access points.

Ms. Logan explained the requested two access points included in the proposal.

Ms. LeQuire stated that an environmental survey is necessary for this development.

Mr. Clifton suggested that the Commission be sure of their recommendation prior to a motion.

Mr. McLean asked whether the applicant was in favor of a deferral.

The applicant stated he was not in favor of deferring this request.

Ms. Cummings moved and Mr. Clifton seconded the motion, to disapprove Concept Plan 2007S-289U-08, due to lack of safe access points and the questionable suitability of the land.

Ms. LeQuire offered that due to the unknowns regarding the suitability of the land that the Commission could not use this reason to deny this request.

Mr. Clifton offered his thoughts regarding the motion and the points provided during the public hearing.

Ms. Cummings moved and Mr. Clifton seconded the motion, to disapprove Concept Plan 2007S-289U-08, due to lack of safe access points and the questionable suitability of the land. **(6-3) No Votes - Jones, McLean, LeQuire**

Resolution No. BL2007-386

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-289U-08 is **DISAPPROVED. (6-3)**”

X. PUBLIC HEARING: ZONING MAP AMENDMENTS AND FINAL SITE PLANS

- 8. 2004SP-090G-12**
Kingsport Estates, Ph. 1 (Final)
Map 174-00, Part of Parcel 006
Subarea 12 (2004)
Council District 32 - Sam Coleman

A request for SP-R final site plan approval for a portion of property located at 5748 Pettus Road, at the northeast corner of Pettus Road and Preston Road (17.83 acres), zoned SP, to construct 33 single-family dwelling units, requested by E. Roberts Alley & Associates Inc, applicant, for Dial Properties, LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -SP Final Site Plan

A request for Specific Plan-Residential (SP-R) final site plan approval on 17.83 acres for a portion of property located at 5748 Pettus Road, on the west side of Preston Road for 33 single-family lots.

History The Kingsport Estates preliminary plan was approved for 72 single-family lots in 2006 by the Planning Commission and Metro Council. Access is proposed off both Preston Road and Pettus Road.

Plan Details The proposed SP final site plan for Phase 1 includes 32 single-family lots clustered away from the environmentally sensitive portions of the site, and one large lot (42,000 sq. ft) within the Mill Creek floodplain. The plan includes 32 lots accessing a newly proposed public road off Preston Road, and one lot fronting onto Pettus Road.

The Phase 1 plan clusters the majority of the lots away from the Mill Creek floodplain and includes approximately 58% Open Space. The preliminary plan included a condition for the developer to work with Metro Greenways regarding the location of a potential greenway. The applicant has indicated that they have worked with Metro Parks to extend the greenway easement along Mill Creek. Staff recommends that a greenway/conservation easement be included on the final plat in accordance with the Subdivision Regulation requirements of Section 3-10.6.

A 50 foot landscape buffer is required to screen adjacent residential development due to the double frontage lots that are proposed along Pettus and Preston Road.

Geotechnical Study There are 11 critical lots in Phase 1 located in the floodplain or on steep slopes on the site. The preliminary approval included a condition requiring a geotechnical study be completed due to the possibility of sinkholes or a cave in the area. A geotechnical study has been submitted and reviewed by Metro Stormwater. The study indicates that there are no sinkholes identified on this site.

Infrastructure Deficiency Area (IDA) -This property is located within the IDA for transportation as established by the Planning Commission in the Southeast Community Plan. A condition of approval is that the IDA requirements be bonded or completed prior to final plat recordation.

This property is located within Residential Low Medium (RLM) and Natural Conservation (NCO) policy. The RLM policy requires infrastructure improvements of 13 linear feet per acre. The 26 acres within RLM policy requires 338 linear feet of roadway improvements to be provided. The 338 linear feet of improvements are to be constructed on Pettus Road at the intersection of Pettus Road/ Preston Road. Public Works has indicated the location of the improvements to be the construction of two, twelve foot travel lanes with four foot shoulders on each side.

STORMWATER RECOMMENDATION Approve with conditions

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions. (Submittal - Revise & Resubmit - 11/27/2007).

- Provide documentation of adequate intersection sight distance at the project access and Preston Road.
- Required IDA improvements for the Kingsport Estates specific plan (2004SP-090G-12) to be constructed on Pettus Road at the intersection of Pettus Road / Preston Road. Construct two (2) each - twelve (12) foot travel lanes with four (4) foot shoulders on each side with improvements meeting the linear footage as stipulated (BL2006-1157 / RS2006-259).
- IDA improvements are to be included and approved as a part of the final construction plans.

STAFF RECOMMENDATION Staff recommends approval with conditions since the proposed final site plan is consistent with the approved preliminary SP plan.

CONDITIONS

1. A greenway/conservation easement shall be shown on any final plat adjacent to the Mill Creek floodway/floodplain in accordance with Section 3.8.2 of the Subdivision Regulations.
2. A total of 338 linear feet of roadway improvements shall be provided as per the infrastructure deficiency policy in the area. The IDA improvements shall be bonded or completed prior to the first final plat recordation. The improvements are to be constructed on Pettus Road at the intersection of Pettus Road/ Preston Road. Construct two, twelve foot travel lanes with four foot shoulders on each side.
3. This SP-R district is limited to single-family homes only.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
5. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approve w/conditions, **Consent Agenda (9-0)**

Resolution No. BL2007-387

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004SP-090G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A greenway/conservation easement shall be shown on any final plat adjacent to the Mill Creek floodway/floodplain in accordance with Section 3.8.2 of the Subdivision Regulations.
2. A total of 338 linear feet of roadway improvements shall be provided as per the infrastructure deficiency policy in the area. The IDA improvements shall be bonded or completed prior to the first final plat recordation. The improvements are to be constructed on Pettus Road at the intersection of Pettus Road/ Preston Road. Construct two, twelve foot travel lanes with four foot shoulders on each side.
3. This SP-R district is limited to single-family homes only.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
5. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP

ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.”

9. 2006SP-161U-09

The Pinnacle at Symphony Place (Final) (formerly "The Crown")
Map 093-064, Parcels 063, 064, 065, 066, 067, 068, 070, 072, 073, 074, 075
Subarea 9 (2007)
Council District 6 - Mike Jameson

A request for SP-MNR final site plan approval to construct 534,373 square feet of office, retail and restaurant, zoned SP and within the Rutledge Hill Redevelopment District (1.58 acres), requested by Everton Oglesby Architects, applicant, for Nashville Pinnacle LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - SP Final Site Plan

A request for Specific Plan-Mixed Non-Residential (SP-MNR) final site plan approval for property located between 2nd Avenue South and 3rd Avenue South and between Demonbreun Street and Symphony Place, (1.58 acres) to develop a 28-story office building with 534,373 square feet of floor area, including 515,631 square feet of office space, 10,582 square feet of retail, and 8,160 square feet of restaurant uses.

PLAN DETAILS The proposed SP final site plan is consistent with the preliminary SP approved by Council in January and July of 2007. The final site plan includes 534,373 square feet of floor area, including 515,631 square feet of office space, 10,582 square feet of retail space and 8,160 square feet of restaurant space. The plan proposes a 28-story building with height of 378 feet and a 7.98 Floor Area Ratio (FAR). The FAR is the total floor area of all structures on a lot, divided by the total lot area.

Parking The SP was amended by the Planning Commission and Metro Council 2007 to allow changes to the parking requirements from 1,189 spaces to that required by the Core Frame (CF) zoning district. The difference in parking eliminated a portion of the underground parking. The amendment did not change the height, façade, uses, or square footage of the approved SP.

Leadership in Energy and Environmental Design (LEED) The plan includes a green roof and will be at least a “Certified” LEED building (the basic level of achievement of LEED) and could possibly fall within the “Silver” certification category. LEED is a new building design element that is likely to become more common in proposed structures in the future. The LEED standards will be reviewed by staff during and after construction.

Redevelopment District This property falls within the Rutledge Hill Redevelopment district. The Design Review Committee of Metro Development and Housing Agency gave conceptual approval to the project.

PUBLIC WORKS RECOMMENDATION The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

- All work within the existing right of way requires an excavation permit and compliance with the design standards of the Department of Public Works.
- Coordination with Public Works for solid waste disposal is required. Recycling collection facilities are encouraged.
- Vaults are to be ADA compliant.
- Encroachment agreements are required for all utilities, infrastructure, etc. located within the right of way. Pedestrian access easements shall be provided for all public pedestrian routes outside of public right of way.

STORMWATER RECOMMENDATION Approve

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any building permits, signage plans shall be resubmitted to the Planning Department and must be consistent with MUI district signage requirements of the Metro Zoning Code, as stipulated in the original council bill for the SP, and must be approved by MDHA prior to Planning Department approval.
2. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
3. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council.
4. All signage shall follow the requirements of any applicable MDHA design guidelines and the allowable signage of the MUI (Mixed Use Intensive) district zoning district (whichever is more restrictive).
5. The uses permitted in this SP district are limited to office, retail and restaurant uses.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.
7. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-388

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-161U-09 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, signage plans shall be resubmitted to the Planning Department and must be consistent with MUI district signage requirements of the Metro Zoning Code, as stipulated in the original council bill for the SP, and must be approved by MDHA prior to Planning Department approval.
2. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
3. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council.
4. All signage shall follow the requirements of any applicable MDHA design guidelines and the allowable signage of the MUI (Mixed Use Intensive) district zoning district (whichever is more restrictive).
5. The uses permitted in this SP district are limited to office, retail and restaurant uses.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.
7. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.”

-
- 10. 2006SP-162G-04**
Thornton's Myatt Drive (Final)
Map 043-07, Parcels 069, 070
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request for Specific Plan-Commercial (SP-C) final site plan approval for approximately 1.87 acres located at 317 Myatt Drive and 900 Anderson Lane (southeast corner of Anderson Lane and Myatt Drive), zoned SP to permit the development of a 3,740 square foot convenience store with gasoline services, requested by Joseph G. Petrosky Associates LLC, applicant, for Rodwan El Bobbo.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - SP Final Site Plan

A request for Specific Plan-Commercial (SP-C) final site plan approval for approximately 1.87 acres located at 317 Myatt Drive and 900 Anderson Lane (southeast corner of Anderson Lane and Myatt Drive), zoned SP-C, to permit the development of a 3,740 square foot convenience store with gasoline services.

PLAN DETAILS

General The plan calls for a 3,740 square foot convenience store and a covered fueling area with seven free standing pumps offering 14 fueling stations.

Access will be provided from Anderson Lane and from Myatt Drive. To enhance pedestrian access to and around the site, the plan calls for decorative paving along both entrances and from Anderson Lane to the store.

The property is located immediately adjacent to properties containing residential uses. To help ensure that the development will not be a nuisance to the adjacent residential properties, the plan calls for a 15 foot wide Standard B-2 Landscape Buffer Yard along the southern and eastern property lines adjacent the residential properties. At its closest point, the proposed building will be within 5 feet of the property line, which will not allow for a 15 foot wide buffer. The building was placed at this location at the direction of Planning staff so that it would be closer to Anderson Lane. While there will not be a 15 foot wide buffer behind the building a 6.5 foot tall, solid, decorative fence with 7 foot tall brick columns will to run along the property line in its place. This fence will provide the necessary buffering, and is consistent with the fence approved with the preliminary SP plan.

Elevations have been provided and show a synthetic stone and stucco finish. These have been approved by staff. All roof top mechanical devices will be hidden from public view and will not be visible from adjacent properties.

Preliminary Plan The preliminary SP district was considered by the Planning Commission on June 28, 2007. The Commission recommended that the Metro Council approve the SP with conditions and it was subsequently approved by Metro Council in July of 2007. The plan is consistent with the approved preliminary plan.

STORMWATER RECOMMENDATION

1. SCS method should be used for routing calculation
2. Offsite water from Myatt Drive disappeared on the site plans, more investigation is needed to confirm the situation
3. Long-term maintenance plan and maintenance agreement; easement document; recording fee.

PUBLIC WORKS RECOMMENDATION

1. Myatt Drive is identified as a route for future bike lanes on the Strategic Plan for Sidewalks and Bikeways.
2. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
3. The right of way along Myatt Drive appears to be labeled incorrectly.
4. Identify existing pavement widths / edge of pavement along Myatt Drive and Anderson Lane.
5. Identify all utility relocations.
6. At the intersection of Myatt Drive / Anderson Lane, plan proposes utility pole anchors at the proposed sidewalk locations. Identify sidewalk clear zone dimensions.
7. Along Myatt Drive, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the

Strategic Plan for Sidewalks & Bikeways.

8. Locate proposed sidewalk within public right of way / dedicate right of way to back of proposed sidewalk.
9. Driveway ramps to be constructed to the Department of Public Works standards and specifications.
10. In accordance with the recommendations of the traffic impact study:
 - a. Construct a westbound right turn lane on Anderson Lane at Myatt Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.
 - b. Modify the traffic signal at Myatt Drive and Anderson Lane to include right turn arrows for the westbound approach of Anderson Lane.
 - c. Construct the project driveways on Myatt Drive and on Anderson Lane with enough width two accommodate one entering and two exiting lanes of traffic.

STAFF RECOMMENDATION Staff recommends approval with conditions as the final site plan is consistent with the preliminary plan adopted by Council.

CONDITIONS

1. Uses within the SP district shall be limited to auto-convenience and fueling. All other uses are prohibited.
2. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
3. The right of way along Myatt Drive appears to be labeled incorrectly. This shall be corrected.
4. Identify existing pavement widths / edge of pavement along Myatt Drive and Anderson Lane.
5. Identify all utility relocations.
6. At the intersection of Myatt Drive / Anderson Lane, plan proposes utility pole anchors at the proposed sidewalk locations. Identify sidewalk clear zone dimensions.
7. Along Myatt Drive, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.
8. Locate proposed sidewalk within public right of way / dedicate right of way to back of proposed sidewalk.
9. Driveway ramps to be constructed to the Department of Public Works standards and specifications.
10. In accordance with the recommendations of the traffic impact study:
 - a. Construct a westbound right turn lane on Anderson Lane at Myatt Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.
 - b. Modify the traffic signal at Myatt Drive and Anderson Lane to include right turn arrows for the westbound approach of Anderson Lane.
 - c. Construct the project driveways on Myatt Drive and on Anderson Lane with enough width two accommodate one entering and two exiting lanes of traffic.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district as of the date of the applicable request or application.
12. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

13. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-389

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-162G-04 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Uses within the SP district shall be limited to auto-convenience and fueling. All other uses are prohibited.
2. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
3. The right of way along Myatt Drive appears to be labeled incorrectly. This shall be corrected.
4. Identify existing pavement widths / edge of pavement along Myatt Drive and Anderson Lane.
5. Identify all utility relocations.
6. At the intersection of Myatt Drive / Anderson Lane, plan proposes utility pole anchors at the proposed sidewalk locations. Identify sidewalk clear zone dimensions.
7. Along Myatt Drive, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.
8. Locate proposed sidewalk within public right of way / dedicate right of way to back of proposed sidewalk.
9. Driveway ramps to be constructed to the Department of Public Works standards and specifications.
10. In accordance with the recommendations of the traffic impact study:
 - Construct a westbound right turn lane on Anderson Lane at Myatt Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.
 - Modify the traffic signal at Myatt Drive and Anderson Lane to include right turn arrows for the westbound approach of Anderson Lane.
 - Construct the project driveways on Myatt Drive and on Anderson Lane with enough width two accommodate one entering and two exiting lanes of traffic.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district as of the date of the applicable request or application.
12. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
13. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both

in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.”

- 11. 2007SP-064U-14**
Price's Collision Center
Map 096-01, Parcel 010
Subarea 14 (2004)
Council District 15 - Phil Claiborne

A request to amend the SP-A district approved by Ordinance No. BL2007-1410 for property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike (1.49 acres), approved for an "automobile repair" use and all other uses permitted by the CS zoning district to require the installation of sidewalks along Lebanon Pike, requested by the Planning Department, for Councilmember Phil Claiborne.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - Amend Preliminary SP

A request to amend the Specific Plan-Auto (SP-A) district approved by Ordinance No. BL2007-1410 for property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike (1.49 acres), approved for an "automobile repair" use and all other uses permitted by the Commercial Services zoning district to require the installation of a sidewalk at the frontage of the property along Lebanon Pike.

DONELSON/OLD HICKORY COMMUNITY PLAN

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Downtown Donelson Detailed Neighborhood Design Plan

Mixed Use (MxU) MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Consistent with Policy? Yes. The proposed amendment to the SP will require a sidewalk along Lebanon Pike which will contribute to creating a more pedestrian-oriented streetscape.

PROPOSED AMENDMENT This SP was recommended for approval with conditions by the Planning Commission in April 2007 and approved by the Metro Council in May 2007 to permit an auto repair business. This new business will use the existing building with minor modifications.

The property is located in the Downtown Donelson DNDP. The DNDP identifies a number of transportation priorities including Priority 3 which calls for the development of interconnected transportation facilities and services. Sidewalks are called out as an important element of these facilities. The properties fronting on Lebanon Pike in this location are identified as a place to "[i]mprove pedestrian connections, install sidewalks, and implement access management and streetscape improvements..." In addition, the Sidewalk Priority Index (SPI) score for the area in which this property is located is over 20, which means that sidewalks are a high priority.

While this SP does not promote a mixed-use, pedestrian-oriented streetscape, it was recommended for approval with conditions as it is not substantially different in nature from the previous use. The car repair was located across Lebanon Pike and is planned to move to this property, which is being used for new and used auto sales. By requiring the sidewalks, the SP would contribute to the improved pedestrian connections called for in the Downtown Donelson DNDP.

The applicant had not shown sidewalks on the SP site plan. Staff had recommended that sidewalks be included as a condition of approval. The SP was approved by Council without this condition. The Councilmember for this area has asked that the Planning Department request an amendment to the approved SP requiring the sidewalk be installed along Lebanon Pike.

STAFF RECOMMENDATION Staff recommends approval of this request to amend the Price Collusion SP preliminary plan to require the installation of sidewalks along Lebanon Pike due to the high SPI score for this area and to meet the intent of the Downtown Donelson DNDP.

Ms. Bernards presented and stated that staff is recommending approval.

Mr. Tom White, 315 Deadrick Street, spoke in opposition to the proposed amendment.

Councilmember Gotto acknowledged the intention of Councilman Claiborne. However, he mentioned mitigating circumstances that would not support this request. He also spoke of the precedent that would set if the Commission were to approve the amendment.

Ms. Cummings stated she still had the same opinion for this proposal which was not to approve the amendment.

Mr. Clifton agreed with the precedent that would be set if this were approved.

Ms. Nielson agreed with her colleagues.

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2007SP-064U-14. **(9-0)**

Resolution No. BL2007-390

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-064U-14 is **DISAPPROVED. (9-0)**

While the proposed amendment to the automobile SP zoning district to require sidewalks is in keeping with the Donelson/Hermitage/Old Hickory Community Plan, the proposal was not consistent with the plan recently approved without sidewalks by the Planning Commission and Metro Council.”

Mr. Ponder left the meeting at 6:53 pm.

-
- 12. 2007Z-167U-08**
Germantown Historic District
Map Various, Parcels Various
Subarea 8 (2002)
Council District 19 - Erica S. Gilmore

A request to apply the historic overlay district to 548 properties in Germantown bounded by Rosa Parks Boulevard, Jefferson Street, Hume Street, and 2nd Avenue North (92.5 acres), zoned R6, SP, OR20, MUN, MUG, CS, CF, and IR and within the Phillips-Jackson Redevelopment District, requested by Councilmember Erica Gilmore, for various owners.

STAFF RECOMMENDATION: Approve with the condition that the boundary is modified as proposed by Planning Staff.

The Metropolitan Planning Commission DEFERRED Zone Change 2007Z-167U-08 to December 10, 2007, at the request of the applicant. (8-0-1)

13. **2007SP-171G-14**
Old Hickory Village Condos and Neighborhood Center
Map 044-15, Parcels 020, 021, 030, 023, 440, 441
Subarea 14 (2004)
Council District 11- Darren Jernigan

A request to change from CS to SP-MU zoning properties located at 803 Elliston Street, Ninth Street (unnumbered), Hadley Avenue (unnumbered), Donelson Avenue (unnumbered), and Elliston Street (unnumbered), at the southeast corner of Donelson Avenue and Elliston Street (5.25 acres), to permit the development of a maximum of 91 multi-family units and a maximum of 45,000 square feet of non-residential uses, requested by American Engineers, Inc., applicant, for James and Carolyn Yates, owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary SP

A request to change from Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 803 Elliston Street, Ninth Street (unnumbered), Hadley Avenue (unnumbered), Donelson Avenue (unnumbered), and Elliston Street (unnumbered), at the southeast corner of Donelson Avenue and Elliston Street (5.25 acres), to permit the development of a maximum of 91 multi-family units and a maximum of 45,000 square feet of non-residential uses.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-MU District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

DONELSON/HERMITAGE COMMUNITY PLAN

Structure Policy

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Old Hickory Village Detailed FNeighborhood Design Plan

Mixed Use (MU) MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Consistent with Policy? Yes. The Specific Plan shows townhomes with a transition to single-family lots on the southern portion of the site. The portion along Donelson Avenue calls for a mixed-use building with a variety of uses.

PLAN DETAILS

Site Plan This is the site of the Old Hickory Village shopping center, which burned in 2004. This site historically functioned as a town center and the plan attempts to recreate a walkable center. The plan calls for two sub-districts. Sub-district 1 is a future neighborhood center that lines Donelson Avenue. The building(s) will be a maximum of three stories and will permit a mixture of uses, including office or residential on the second and third floors. The parking for this sub-district is located behind the building(s).

Sub-district 2 calls for both single-family cottages and townhomes, totaling approximately 74 dwelling units. The cottages are located on the southern border of the site and provide a transition into the existing single-family neighborhood. The townhomes are between the future neighborhood center and the cottages. These units front either the street or an interior green.

Sidewalks Sidewalks are required on both sides of the new street and along Elliston Street, Donelson Avenue, and Hadley Avenue.

Access There is one access point from Donelson Avenue. Eighth Street will be extended from Hadley Avenue to Elliston Street and will provide additional access.

Parking Sub-district 2 has two parking spaces per unit. Elliston Avenue, Hadley Avenue, and the extension of Eighth Street are lined with parallel parking. Sub-district 1 requires parking at UZO standards, to be determined at the time of development. Based on actual uses and size of development.

STORMWATER RECOMMENDATION Preliminary SP approved.

PUBLIC WORKS RECOMMENDATION

1. Provide professional seal from the State of Tennessee. Verify drawing scale of proposed plan. Two different scales are shown on the plan.
2. Identify boundary of the Specific Plan.
3. Identify property boundary.
4. Identify the number of residential units, and number of bedrooms of residential units. Identify square footage of office / retail / commercial (non residential). This is required to establish required parking and trip generation.
5. It appears this development is expected to generate more than one hundred (100) peak hour trips. In accordance with Metro's traffic study guidelines, a traffic impact study is required.
6. Redesign proposed alley and roadway network south of N. Eighth Extension. Plan appears to dedicate right of way and constructs a roadway (Debow Street) on an adjacent property. Identify the limits of construction. Identify the existing locations and dimensions of Debow Street and Dodson Street. These are private street easements and public utility easements. Provide documentation from adjacent property owners stating agreement with the additional usage on their private street. How will this be handled within the neighborhood association agreements.
7. Identify plans for sub-district 1 "Future Neighborhood Center". Identify proposed connectivity with sub-district 2 and access locations.
8. Within the specific plan narrative under Sub-District 2: Additional Standards "There shall be no more than one secondary dwelling unit per lot." Identify lots that will have two dwelling units. This will have a significant impact on parking required.
9. Show and dimension right of way and pavement width along Elliston Street, Donelson Avenue, Hadley Avenue, N. Eighth Extension, and Eighth Avenue. Label and dedicate right of way 30 feet from centerline to property boundary along Donelson Avenue and Hadley Avenue, consistent with the approved major street / collector plan.

10. Align proposed N. Eighth Extension centerline / westbound thru travel movement with Eighth Avenue.
11. Identify all locations of proposed on-street parking and off-site parking. Widen Elliston and Hadley Streets to accommodate on-street parking. Identify locations of all proposed on-site parking.
12. Identify proposed shared parking plans as indicted in the SP narrative.
13. Identify plans for solid waste collection and disposal. Identify dumpster pad locations. Service truck pickup routes to accommodate SU-30 turning movements.
14. What is proposed for postal service?
15. Label Alleys north of N. Eight Extension as private. Show a minimum twenty (20') foot drive width. Alleys to accommodate SU-30 turning movements. Drive width and parking stall depth to accommodate passenger car turning movements. Provide alley connectivity or construct turnarounds at the terminus of a dead-end, greater the one hundred fifty (150') feet from an intersection.
16. Identify sidewalk requirement locations along N. Eighth Extension, Hadley Avenue, Elliston Street, and Donelson Avenue. Identify proposed sidewalk width, grass area / furnishing zone, curb & gutter, and pavement width. Along Donelson Avenue and Hadley Avenue, construct a five (5') foot furnishing zone and six (6') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Locate public sidewalks within the right of way. Construct sidewalks in accordance with the Department of Public Works standards and specifications.
17. All roadways are to be constructed to the Department of Public Works standards and specifications. The typical roadway sections on the plan conflicts with the proposed street sections in the narrative document.
18. Identify setbacks / easements along right of way. The plan appears to conflict with the narrative document.

The Old Hickory Village SP is deficient in specific details and requirements as outlined in the SP submittal checklist as required for the Council Development Plan submittal.

Public Works is willing to let the zoning request proceed through the process as long as all parties and agencies agree that all Public Works requirements will be satisfied on the final SP and understand that significant revisions may be required with the development layout.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.6	0.198	31,049	543	74	114

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	3.6	0.169	45,000	1,963	43	130

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	3.6	N/A	91	593	48	56

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	3.6		-4,547	2,013	17	72

METRO SCHOOL BOARD REPORT

Projected student generation 15 Elementary 10 Middle 7 High

Schools Over/Under Capacity Students would attend Dupont Elementary School, Dupont-Hadley Middle School, or McGavock High School. McGavock High School has been identified as being over capacity by the Metro School Board. There is capacity at a high school in an adjacent cluster. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION Staff recommends approval with conditions because the request is consistent with policy and creates a mixed-use development with a pedestrian-oriented streetscape.

CONDITIONS

1. Change cottages to east side of Debow Street and townhomes to west side of Debow Street.
2. Clearly show boundary of SP.
3. Include survey of all properties and make sure the ownership is correct.
4. Cross access easements will be required to the east and the west in the parking for the future neighborhood center.
5. Line up alley between lots 21 and 22.
6. Include corrected plan on page 12.
7. Show sidewalks on both sides of 8th Avenue.
8. Submit phasing plan.
9. Submit landscape plan with SP final site plan.
10. Sub-district 1 is limited to multi-family, single-family, home occupation, cultural center, religious institution, day-care, personal instruction, community education, financial institution, general office, leasing/sales office, medical office, outpatient clinic, rehabilitation services, veterinarian, bed and breakfast, hotel, personal care services, restaurant (full service), restaurant (take-out), retail, audio/video tape transfer, multi-media production, printing and publishing, club, commercial amusement (inside), rehearsal hall, theater, and temporary festivals. Sub-district 2 is limited to townhomes and single-family.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district for Sub-district 1 and RM20 zoning district for Sub-district 2 as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP

ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Logan presented and stated that staff is recommending approval with conditions, which included an additional condition regarding a bike lane as requested by Councilman Jernigan.

Mr. Allan Welch, 1006 9th Street, spoke in opposition to the proposed zone change.

Mr. Donald Swartz, 809 Lawrence St., spoke in favor of the proposed zone change.

Ms. Carolyn Yates, 904 Hadley Ave., spoke in favor of the proposed zone change.

Councilman Jernigan spoke in favor of the proposed zone change. He spoke of the website in which his residents could view the plans for this development.

Mr. Scott Hamilton, 805 Elliston Street, spoke in opposition to the proposed zone change.

Mr. Ron Coleman, American Engineers, spoke in favor of the proposed change.

Mr. Phil Smith, 800 Elliston Street, expressed issues with the proposed zone change.

Mr. Dalton requested additional clarification regarding the parking that would be included in the proposal.

Ms. Logan stated that there were two parking spaces for each unit as well as additional parking.

Ms. Jones spoke in favor of the proposal.

Mr. Clifton acknowledged the planning including in this request. He spoke in favor of mixed use for this area inasmuch as it would build the community as well as assist with sustaining property values in the area.

Ms. Cummings mentioned issues with traffic flow, but then acknowledged that the conditions included in the proposal would minimize its affects. Ms. Cummings then mentioned the school situation in the area and requested whether the School Board had any issues with the additional students.

Mr. Bernhardt stated that the School Board did not have any issues.

Mr. Gotto spoke in favor of this rezoning in that it was an SP which will allow input from the Council. He stated that it was a good concept plan.

Mr. Gotto moved and Ms. Nielson seconded the motion, which passed unanimously, to approve with conditions Zone Change 2007SP-171G-14.

Ms. Nielson asked for additional clarification regarding the streets included in the proposal.

Mr. Bernhardt explained this concept to the Commission. **(8-0)**

Resolution No. BL2007-391

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-171G-14 is **APPROVED WITH CONDITIONS, including a condition that staff evaluate the possibility of including bicycle lanes in the Final SP site plan. (8-0)**

Conditions of Approval:

1. Change cottages to east side of Debow Street and townhomes to west side of Debow Street.
2. Clearly show boundary of SP.
3. Include survey of all properties and make sure the ownership is correct.
4. Cross access easements will be required to the east and the west in the parking for the future neighborhood center.
5. Line up alley between lots 21 and 22.
6. Include corrected plan on page 12.
7. Show sidewalks on both sides of 8th Avenue.
8. Submit phasing plan.
9. Submit landscape plan with SP final site plan.
10. Sub-district 1 is limited to multi-family, single-family, home occupation, cultural center, religious institution, day-care, personal instruction, community education, financial institution, general office, leasing/sales office, medical office, outpatient clinic, rehabilitation services, veterinarian, bed and breakfast, hotel, personal care services, restaurant (full service), restaurant (take-out), retail, audio/video tape transfer, multi-media production, printing and publishing, club, commercial amusement (inside), rehearsal hall, theater, and temporary festivals. Sub-district 2 is limited to townhomes and single-family.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district for Sub-district 1 and RM20 zoning district for Sub-district 2 as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed mixed-use SP zoning district is consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Neighborhood Center policy, which is intended for mixed use areas that act as local centers and include residential uses, and its Mixed Use Detailed Policy, which calls for a mixture of uses that are mixed horizontally and vertically.”

The Commission recessed at 6:13 p.m.

Mr. Clifton left the meeting at 6:30 p.m.

The meeting resumed at 6:33 p.m.

- 14. 2007Z-177G-04**
Map 034-06, Parcel 023
Subarea 4 (1998)
Council District 10 - Rip Ryman

A request to rezone from OR20 to CS property located on the south side of Spring Branch Drive (unnumbered), approximately 250 feet east of Myatt Drive (1.47 acres), requested by Richard Binkley, applicant, for Arles Scotty Greene et al, owners.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change approximately 1.47 acres from Office/Residential (OR20) zoning to Commercial Service (CS) zoning for property located on the south side of Springs Branch Road, approximately 250 feet east of Myatt Drive.

Existing Zoning

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

DONELSON/HERMITAGE/OLD HICKORY COMMUNITY PLAN

Retail Concentration Super Community (RCS) RCS policy is intended for large size retail uses and to provide a wide array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

Consistent with Policy? Yes. The proposed CS zoning district is consistent with the area’s Retail Concentration Super Community policy, and is also compatible with surrounding commercial and multi-family uses.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.47	0.154	9,861	225	30	30

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	1.47	0.299	19,146	857	23	68

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	1.47		+9,284	+632	-7	+38

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.47	0.80	51,226	798	110	137

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(851)	1.47	0.06*	3,841	2835	258	202

*Adjusted as per use

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	1.47			2037	148	65

STAFF RECOMMENDATION Staff recommends that the request be approved. The proposed CS zoning district is consistent with the area’s land use policy.

Approve, *Consent Agenda (9-0)*

Resolution No. BL2007-392

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-177G-04 is **APPROVED. (9-0)**

The proposed CS district is consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Retail Concentration Super Community policy which is intended for large size retail uses and to provide for a wide array of goods and services.”

15. 2007Z-178T
Council Approval of Urban Design Overlay-Final Site Plans

A request to amend Chapter 17.40.130 of the Zoning Code pertaining to the approval of Urban Design Overlay (UDO) districts, including the requirement that all final site plan approvals return to the Metro Council for an additional public hearing, requested by Councilmember Bruce Stanley.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Amend Chapter 17.40.130 of the Zoning Code pertaining to the approval of Urban Design Overlay (UDO) districts, including the requirement that all final site plan approvals return to the Metro Council for an additional public hearing.

ANALYSIS

Existing Law Currently, the Zoning Code requires the Planning Commission to consider each Final Site Plan within an Urban Design Overlay prior to the issuance of any building permits. The Zoning Code states:

“A final site plan application filed with the planning commission shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable provisions of this title and accurately represent the resulting form of construction. Applications shall include all necessary drawings, specifications, studies or reports as required by a submittal checklist adopted by the planning commission.”

The Planning Commission reviews each Final Site Plan in a manner to that insures the integrity of the Council approved plan in terms of design, intent and zoning compliance.

Current Zoning Text (Emphasis Added) “Final Site Plan Approval. For property located within an urban design overlay district, a final site plan application shall be submitted for review and approval by the planning commission in a manner consistent with the procedures of Section 17.40.170B. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with the design plan and all applicable design standards established by the overlay district. *Final site plan approval by the planning commission shall be based on findings that all design standards of the overlay district and other applicable requirements of this code have been satisfied.*”

Proposed Text Change (New Text Underlined in bold)

The proposed text amendment requires a second public hearing and approval by the Metropolitan Council for the Final Site Plan, as well as for the preliminary plan.

“Final Site Plan Approval. For property located within an urban design overlay district, a final site plan application shall be submitted for review and approval by the planning commission in a manner consistent with the procedures of Section 17.40.170B. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with the design plan and all applicable design standards established by the overlay district. **Final site plan approval by the planning commission shall be based on findings that all design standards of the overlay district and other applicable requirements of this code have been satisfied. Once the planning commission has approved the final site plan, the plan shall be submitted for approval by the metropolitan council in accordance with the procedures set forth in Section 17.40.080.**”

“Final approval by the Metropolitan Council for Urban Design Overlay Districts. Once the planning commission approves a final site plan and the associated development phases of an urban design overlay district, the final site plan shall be submitted to the metropolitan council for approval in accordance with the procedures used for an amendment to the official zoning map as set forth in Section 17.40.080.”

Analysis The purpose of the final site plan is to ensure that the construction plans (grading, stormwater, landscaping, architectural design and site plan) are consistent with the preliminary plan approved by the Metro Council. The existing process applies zoning and building standards already adopted by the Metro Council, and it provides adequate opportunity for Council and public review.

Adding a second UDO final site plan review process would have a significant negative impact on project development. The proposed Zoning Code amendment would duplicate a portion of the review process, increase development costs and add unnecessary delays to the review process. Applicants would be less likely to propose new projects in UDOs, since final approval would be delayed by at least three to four months and site plans could possibly undergo substantial changes after having received Council approval.

STAFF RECOMMENDATION Staff recommends disapproval of the proposed text change since safeguards are already in place to insure the final site plan is consistent with the Council approved plan. If a final site plan is submitted that is not consistent with the Council approved preliminary UDO, the Zoning Code currently stipulates that the Planning Commission may recommend disapproval of the proposal. Adding an additional three to four months at the end of the development review process will have significant negative impacts on the development of projects including that there will be less predictability in the process.

Mr. Leeman presented and stated that staff is recommending disapproval.

Mr. Tom White, 36 Old Club Court, spoke in opposition to the proposed text amendment.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Text Amendment 2007Z-178T. (7-0)

Resolution No. BL2007-393
“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-178T is **DISAPPROVED. (7-0)**”

16. 2007Z-179U-06
Map 102-00, Parcel 078
Subarea 6 (2003)
Council District 35 - Bo Mitchell

A request to rezone from OR20 to CS property located at 6962 Charlotte Pike, approximately 860 feet west of I-40 (2.08 acres), requested by William Gregory, applicant, for West Harpeth Funeral Home LLC, owner.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Zone Change

A request to change from Office/Residential (OR20) to Commercial Service (CS) zoning a portion of property located on 6962 Charlotte Pike, approximately 860 feet west of I-40 (2.08 acres).

Existing Zoning

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Special Policy 1 - Special Policy 1 applies to the CMC area on the north and south sides of Charlotte Pike west of the I-40 interchange and along River Road.

Some of the topography and floodplain in this area is unsuitable for nonresidential or intensive residential uses. Therefore, commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15). Residential uses in this CMC area should be limited to the middle of the RMH range (15 units per acre) and lower where topographic conditions are severe. Where proposed residential uses border existing single family, a transition should be made within the site so that similar densities and building types will be adjacent to existing development

Consistent with Policy? No. Special Polices are established to provide clear guidance for development that is proposed within specific locations of particular concern. While the CS zoning district is ordinarily appropriate for the CMC policy, Special Policy 1 limits density to a floor area ratio (F.A.R) of 0.1 to 1.5. CS zoning would allow development at a higher F.A.R (.60), inappropriate to the environmental conditions.

PUBLIC WORKS RECOMMENDATION A Traffic Study may be required at the time of development.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
---------------------	-------	-----	-------------------	-----------------------	--------------	--------------

121307Minutes

General Office (710)	2.08	0.31	28,087	502	68	111
----------------------	------	------	--------	-----	----	-----

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	2.08	0.066	5,979	294	12	36

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			-22,108	-208	-56	-75

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.08	0.80	72,483	1042	145	160

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	2.08	0.06*	5,436	4012	365	285

*Adjusted as per use

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2970	220	125

STAFF RECOMMENDATION Staff recommends disapproval as the zone change request is inconsistent with Special Policy 1 of the Bellevue Community Plan.

Mr. Sexton presented and stated that staff is recommending disapproval.

Mr. Kurt Beasley spoke in favor of requested zone change.

Ms. Nielson closed the public hearing and requested this bill be disapproved. This was seconded by Mr. Gotto.

Ms. Cummings requested that the Commission discuss this zone change request.

Ms. LeQuire requested additional information regarding surrounding parcels that would be affected by this request.

Mr. Bernhardt offered additional information on the surrounding parcels, as well as additional information regarding the staff recommendation.

Ms. Jones requested additional information regarding the requested zone change.

Mr. Bernhardt offered additional information regarding the requested zoning for this parcel.

Mr. Gotto requested clarification on whether the existing zoning for this parcel was considered conforming.

Mr. Sexton offered that the existing zoning for the funeral home is considered legal.

Mr. Bernhardt summarized the situation regarding this request and the actions required of the Commission.

Ms. Jones questioned whether the Commission could disapprove or defer.

Mr. Bernhardt offered additional information regarding the various actions asked of the Commission and their potential outcomes.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously to disapprove Zone Change 2007Z-179U-06. **(7-0)**

Resolution No. BL2007-394

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-179U-06 is **DISAPPROVED. (7-0)**

While the proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration policy, which is intended to include medium high to high density residential, all types of retail, commercial and office uses, it is not consistent with the area’s special policy which calls for commercial floor area to be limited to between a 0.1 and 0.15 floor area ratio (FAR), and residential densities not exceeding 15 units per acre.”

- 17. 2007Z-180U-13**
Map 175-00, Parcels 024, 140
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request to rezone from AR2a to IWD properties located at 12872 and 12900 Old Hickory Boulevard, approximately 2,615 feet north of Firestone Parkway (69.07 acres), requested by Chas. Hawkins Co. Inc., applicant, for Donna Wilson and Mary Sue Clark, owners.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to rezone from Agricultural/Residential (AR2a) to Industrial Warehousing/Distribution (IWD) on 69.07 acres located at 12872 and 12900 Old Hickory Boulevard, approximately 2,615 feet north of Firestone Parkway.

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim non-urban land use policies of the general plan.

Proposed Zoning

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Industrial (IN) IN is a classification for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Special Policy Area 2 *Special Policy Area 2*
121307Minutes

Industrial, mixed use or residential development may take place within this Special Policy area subject to the approval of a site plan based zoning such as a Planned Unit Development, Urban Design Overlay, or Specific Plan. IWD base zoning is the only base district that may be used without a site plan overlay to implement the land use policies for this area.

Consistent with Policy? Yes. The IWD district is consistent with the Industrial policy and Special Policy Area 2. The IWD district provides opportunities for wholesale, warehouse and bulk distribution uses that are consistent with the intent of the IN policy. This area would be conducive to uses permitted within the IWD district given the physical suitability of the land, and the proximity to the interstate system and other industrially zoned land.

RECENT REZONINGS At its November 8, 2007, meeting, the Metro Planning Commission recommended approval of a request to rezone 22 acres from AR2a to IWD at 12848 Old Hickory Boulevard.

PUBLIC WORKS RECOMMENDATION

Typical and Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	69.07	.5	34	326	26	35

Typical Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	69.07	0.3	902,607	4477	407	425

Maximum Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	69.07	0.8	2,406,951	11,939	1084	1132

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+1,504,344	11,613	1058	1097

STAFF RECOMMENDATION Staff recommends approval of the request to rezone 69.07 acres from AR2a to IWD. The IWD district is consistent with the development intensities supported by the IN policy.

Approve, *Consent Agenda (9-0)*

Resolution No. BL2007-395

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-180U-13 is **APPROVED. (9-0)**

The proposed IWD district is consistent with the Antioch/Priest Lake Community Plan’s industrial policy, which is intended for industrial uses, and the special policy that does not require a site plan with an IWD zone change.”

- 18. 2007Z-181U-08**
 Map 092-10, Parcel 059.01
 Subarea 8 (2002)
 Council District 21 - Edith Taylor Langster

A request to rezone from R6 to OG property located at 405 31st Avenue North, approximately 250 feet north of Charlotte Pike (0.1 acres), requested by Scott Wilson and Thomas J. Drake, owners.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Zone Change

A request to change from One and Two-Family Residential (R6) to Office General (OG) zoning property located at 405 31st Avenue North, approximately 250 feet north of Charlotte Pike (0.1 acres).

Existing Zoning

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

OG District - Office General is intended for moderately high intensity office uses.

NORTH NASHVILLE COMMUNITY PLAN

Structure Policy

Corridor Center CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

McKissack Park Detailed Neighborhood Design Plan

Commercial Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.

Consistent with Policy? No. While the uses permitted in the OG zoning district are appropriate within the CC and Commercial policies, zone change requests must be accompanied by an Urban Design (UDO) or Planned Unit Development (PUD) overlay district, or the rezone request must be for a Specific Plan (SP). This is so that a site plan is included in the request to ensure that the design and type of development conforms to the intent of the policies.

Neither a UDO nor PUD was included with this zone change request. Approving this zone change request without the UDO or the PUD will jeopardize the intent of the Community/Corridor Center policy and the Commercial policy within the McKissack Park DNDP.

Zoning History On January 17, 2006 at Third Reading, Council, recommended approval for a request to rezone 190.21 acres, from residential single-family and duplex zoning (R16) to residential single-family (RS5) district for various properties located to the north of Felicia Street and south of I-40 and between the railroad on the east and I-40 on the west.

PUBLIC WORKS RECOMMENDATION No Exception Taken

Typical and Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Lot	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.1	n/a	1	10	1	2

Maximum Uses in Proposed Zoning District: OG

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.1	1.5	6,534	164	22	22

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				154	21	20

STAFF RECOMMENDATION Staff recommends disapproval. The zone change request is not accompanied by a UDO or a PUD as required by the CC and Commercial land use polices.

Mr. Sexton presented and stated that staff is recommending disapproval.

Mr. Thomas Drake, 7222 Mark Drive, and Scott Wilson spoke in favor of the requested zone change.

Ms. Jones requested clarification on whether a survey could be provided in order to accommodate this request.

Mr. Bernhardt explained this clarification to the Commission.

Ms. Jones requested clarification if a mortgage would suffice.

Mr. Bernhardt explained that a site plan would assist the developer.

Ms. Nielson expressed issues with setting a precedent.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously that Zone Change 2007Z-181U-08 be approved with the condition that a survey is provided as the site plan. **(7-0)**

Resolution No. BL2007-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-181U-08 is **APPROVED WITH THE CONDITION THAT A SURVEY BE PROVIDED AS A SITE PLAN. (7-0)**

While the North Nashville Community Plan’s Corridor Center and detailed policy require a site plan, the uses in the OG district are consistent with the Corridor Center policy and the a condition of approval is that a survey be provided as a site plan.”

- 18. 2007SP-186U-09**
Rolling Mill Hill District Bldg.
Map 093-11, Part of Parcel 022
Subarea 9 (2007)
Council District 6 - Mike Jameson

A request to rezone from CF to SP-R district and final site plan approval for property located at Middleton Street (unnumbered), between Middleton Street and Rolling Mill Hill Road (.48 acres), zoned CF and within the Rutledge Hill Redevelopment District, to permit no maximum height at the property line for the "District Building", requested by Littlejohn Engineering Associates, applicant, for RMH Land Investment LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary SP & SP Final Site Plan

A request to rezone from Core Frame (CF) to Specific Plan (SP) SP-R district and final site plan approval for property located at Middleton Street (unnumbered), between Middleton Street and Rolling Mill Hill Road (.48 acres), zoned Core Frame (CF) and within the Rutledge Hill Redevelopment District, to permit no maximum height at the property line for the "District Building"

Existing Zoning

CF District - Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

Proposed Zoning

SP-R District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

DOWNTOWN COMMUNITY PLAN

Mixed Use (MxU) MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Downtown Neighborhood (DN) Downtown Neighborhood policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhoods' Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

Rolling Mill Hill Building Regulating Plan If a project has been approved by Metropolitan Development and Housing Agency (MDHA), then it conforms to Subdistrict 3 of the Building Regulating Plan for Rolling Mill Hill.

Consistent with Policy? Yes. The SP is for the height of the building only. The building is part of the larger Rolling Mill Hill plan that has been approved by Metropolitan Development and Housing Agency (MDHA).

PLAN DETAILS

Site Plan - The District Building is part of the Rolling Mill Hill development plan approved by MDHA. The Specific Plan district changes only the height standards of the existing Core Frame zoning. The maximum elevation of the building is 642'-3" which gives a height of approximately 127' from the average ground level. The lowest ground level is at about elevation 511 – so the height from that point is 131.25'. All other bulk standards of the district apply and all other aspects of the plan have been, and will be, reviewed by MDHA.

PUBLIC WORKS RECOMMENDATION All previous Department of Public Works' conditions to be met.

Because this request is part of a larger, already approved plan, and the SP is for design purposes only, traffic counts were not analyzed.

STORMWATER RECOMMENDATION Plans approved.

METRO SCHOOL BOARD REPORT

Projected student generation - Because this building is part of a previously approved plan under CF zoning, the projected student generation is not significantly different from CF and is not applicable.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. All final site plans to be reviewed and approved by MDHA and other reviewing agencies, as required under standard redevelopment district procedures.
2. This SP only deals with height standards. All other aspects of the design will be approved by MDHA.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approval w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-397

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-186U-09 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. All final site plans to be reviewed and approved by MDHA and other reviewing agencies, as required under standard redevelopment district procedures.
2. This SP only deals with height standards. All other aspects of the design will be approved by MDHA.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.

4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed residential SP district to allow for additional height is consistent with the Downtown Community Plan's Mixed Use and Downtown Neighborhood policies which are intended for an intense mixture of uses."

XI. CONCEPT PLANS

19. **2007S-301U-14**
Cloverwood Subdivision
Map 096-12, Parcel 032
Subarea 14 (2004)
Council District 14 - James Bruce Stanley

A request for concept plan approval to create 2 lots on property located at Stewarts Ferry Pike (unnumbered), at the end of Cloverwood Drive and Hickory Bend Drive (16.81 acres), zoned RS10, requested by Luckey Development, owner, Perry Engineering LLC, surveyor.

STAFF RECOMMENDATION: Approve with a variance to Section 3-8.2 of the subdivision regulations for sidewalks.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 2 lots on property located at Stewarts Ferry Pike (unnumbered), at the end of Cloverwood Drive and Hickory Bend Drive (16.81 acres), zoned Single-Family Residential (RS10).

ZONING

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

SUBDIVISION DETAILS - The concept plan is designed to create 2 lots on 16.81 acres. Hickory Bend Subdivision abuts the site along the northern and western boundary, and McCrory Creek Road runs along the perimeter of the site to the south. The site is accessible from Cloverwood Drive and Hickory Bend Drive. The lots are constrained by both the floodplain and the floodway, and are identified as critical on the concept plan. A greenway conservation easement has also been dedicated to extend through lots 1 and 2.

History A similar plat was approved on May 25, 2006, but was never recorded. The plat was re-approved on November 14, 2006, and expired six months later.

Floodplain/Floodway The majority of this site is not suitable for intense development due to the location of the floodplain and floodway. The subdivision regulations state that lots in the floodplain shall be subject to the floodplain /floodway development standards of Section 17.28.040 of the zoning code. Section 17.28.040 states that property encumbered by natural floodplain or floodway shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original natural state.

Greenway Easement A 25-foot greenway conservation and public access easement is planned to extend parallel to McCrory Creek to the north across Stewarts Ferry Pike and south through Hickory Bend Subdivision.

Sidewalk Variance Request Section 3-8.2 of the subdivision regulations states that the requirements for sidewalks on existing streets fronting the subdivided property shall not apply to any property outside of the Urban Services District. The 16.81 acre site is located within the Urban Services District and would customarily require the construction of sidewalks on existing streets. A request for a variance to the sidewalks required along McCrory Creek Road and access points from existing streets accompanies the concept plan. The stated hardship is that construction of the sidewalks would require further manipulation of the floodway and floodplain.

Variations The Planning Commission may grant a variance from the subdivision regulations provided that the following criteria are met:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County.

In the evaluation of the variance request, the property along McCrory Creek Road is severely encumbered by floodway and to require the construction of sidewalks at this location would conflict with Section 17.28.040 of the Zoning Ordinance, which stipulates there can be no disturbance of the floodway. As such, the requested sidewalk variance along McCrory Creek Road is justified.

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval of the concept plan and the sidewalk variance due to the physical constraints of the property.

Ms. Nedra Jones presented and stated that staff is recommending approval with a variance to Section 3-8.2 of the subdivision regulations for sidewalks.

Mr. Morgan Williams, 3243 Cloverwood Drive, spoke in opposition to the requested plan.

Mr. Joseph Villa, 611 Waxhall Drive, was in favor of the requested plan.

Mr. Jason Mohrlock, spoke in favor of the requested plan.

Ms. Nielson spoke in favor of approving the plan.

Ms. Cummings explained the procedures that Metro Stormwater would follow for this plan. She agreed that the developers have met the requirements.

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to approve Concept Plan 2007S-301U-14 with the variance to Section 3-8.2 of the subdivision regulations for sidewalks.

Resolution No. BL2007-398

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-301U-14 is **APPROVED, including a variance to Section 3-8.2 of the subdivision regulations for sidewalks. (7-0)**”

- 20. 2007S-309U-13**
The Parks at Priest Lake (Prelim. Revision)
Map 150-00, Parcel 017, 246
Subarea 13 (2003)
Council District 29 - Vivian Wilhoite

A request to revise a previously approved preliminary plat to create 70 single-family and 9 two-family cluster lots where 83 single-family cluster lots were previously approved on property located at 3222 Anderson Road and Brantley Drive (unnumbered), between the end of Louise Russell Drive and the west side of Anderson Road (30.04 acres), zoned RS10 and R10, requested by Umbrella Investment Corporation, owner, Dale & Associates, surveyor.
STAFF RECOMMENDATION: Approve with conditions.

The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-309U-13 to January 10, 2008, at the request of the applicant. (9-0)

- 21. 2007S-313G-12**
Old Hickory Crossing
Map 182-00, Parcels 013.04, 015
Subarea 12 (2004)
Council District 32 - Sam Coleman

A request for concept plan approval to create 117 lots on properties located at Old Hickory Boulevard (unnumbered), at the southeast corner of Old Hickory Boulevard and (34.08 acres), zoned RS10, requested by Randall Smith and Corey and Lloyd Craig, owners, Batson & Associate, surveyor.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 117 lots on properties located at Old Hickory Boulevard (unnumbered), at the southeast corner of Old Hickory Boulevard and Legacy Drive (34.08 acres), zoned Single-Family Residential (RS10).

ZONING

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

PLAN DETAILS - The request proposes 117 single-family lots. The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,000 square feet to 16,400 square feet.

History Old Hickory Crossing was originally approved as a preliminary plat on September 22, 2005. The preliminary plat expired on September 22, 2007. The applicant resubmitted as a concept plan.

Access/Street Connectivity Access is proposed from stub streets from the adjacent subdivision (Old Hickory Hills) to the north. Although the Community Plan calls for a collector street that runs north to south, this plat does not propose a collector since it would connect to a local street already approved within the Old Hickory Hills subdivision. Legacy Drive to the north serves as a collector in this area, as required by the Public Works Department and Planning staff. No access is proposed from Old Hickory Boulevard,.

Stub streets are proposed to the south and east for future connectivity.

Sidewalks Sidewalks are proposed along all the new streets within the subdivision.

Landscape Buffer Yards Section 17.12.090 of the Metro Zoning Ordinance states that double frontage lots oriented towards an internal street can only be reduced one zoning district with a standard C landscape buffer yard or two zoning districts with a standard D landscape buffer yard. The plan complies with this requirement. Landscape buffer yards (C-20') are also proposed around the boundary of the property since the lots are reduced in size two zoning districts.

Open Space There is 27% usable open space proposed, which meets the 15% requirement for cluster lot option policy. The Commission's cluster lot policy requires common open space to have "use and enjoyment" value to the residents including recreational value, scenic value, or passive use value. Residual land with no "use or enjoyment" value, including required buffers and stormwater facilities, has not been counted towards the open space requirements. Pursuant to BL2007-1365, the subdivision is required to have one recreation facility. The plan shows a walking trail and gazebo within the open space.

Notices The notices for this subdivision were sent stating that the request was for 116 lots. Since that time, the applicant has added one lot.

NES RECOMMENDATION

- 1) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments)
- 2) Developer drawing should show any and all existing utilities easements on property.
- 3) 20-foot easement required adjacent to all public rights of way and 20' PUE centered on all NES conduits. (Developer may consider recording all open space as a PUE).
- 4) NES can meet with developer/engineer upon request to determine electrical service options
- 5) NES needs any drawings that will cover any road improvements that Metro PW might require
- 6) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- 7) NES needs load information and future plans or options to buy other property (over all plans).
- 8) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval.

PUBLIC WORKS RECOMMENDATION - The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Street names to be coordinated with the Department of Public Works mapping section.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Street names must be approval prior to final plat recordation.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

Approve w/conditions, **Consent Agenda (9-0)**

Resolution No. BL2007-399

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-313G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Street names must be approval prior to final plat recordation.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.”

XII. FINAL PLATS

- 22. 2007S-293U-13**
1207 Currey Road
Map 120-13, Parcel 038
Subarea 13 (2003)
Council District 28 - Duane Dominy

A request to relocate a house from 210 Paddock Lane in Nashville to vacant property located at 1207 Currey Road, at the southwest corner of Currey Road and McGavock Pike (0.58 acres), zoned R10, requested by William P. Cooper, house owner and property owner.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - House Move

A request to relocate a house from 210 Paddock Lane in Nashville to vacant property located at 1207 Currey Road, at the southwest corner of Currey Road and McGavock Pike (0.58 acres), zoned One and Two-Family Residential (R10).

ZONING

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

HOUSE MOVE APPROVALS - Public Chapter 246, which was adopted by the Tennessee Legislature in 2007 and became effective on May 10, 2007, requires certain criteria to be met before a permit will be issued to move a single family residence from an existing foundation to another foundation located within a developed area of single family residences. For purposes of this determination, a developed area of single family residences means an area generally referred to as a subdivision as indicated on a plat filed in the register of deeds office.

Approving Body Under the newly adopted state law, in situations where the house is to be relocated to a subdivision where there is a Homeowner’s Association or a Neighborhood Association, it is up to those bodies to determine if the criteria are met. When neither body exists, the Planning Commission becomes the body that determines if the criteria are met.

Criteria for Approval The criteria for approval include:

1. *The age of the house to be moved must be within 10 years of the average age of existing structures in the subdivision.*

The houses in the subdivision, on average, were built in 1952. The house to be moved was built in 1962, falling within the 10 year time frame. This criterion has been met.

2. *The appraised value of the house to be moved must initially appraise at least at the average appraisal of the existing structures within the subdivision after all planned improvements have been completed once the house is moved.*

The average appraised value of the houses in the subdivision is \$91,829. The house to be moved has an estimated appraisal of \$101,400. This criterion has been met.

3. *The size of the house to be moved must be within 100 sq. ft. of the existing structures within the subdivision.*

The average size of the houses in the subdivision is 1,742 square feet. The size of the house to be moved is 1,659 square feet. This criterion has been met.

4. *The house to be moved must be consistent in appearance with the existing residences within the subdivision.*

The houses in the subdivision are characterized by one story buildings with brick, and frame siding exteriors, asphalt roofing, front stoops or small covered porches. The house to be moved is also one story in height with frame exterior, asphalt roofing and stoop. This criterion is met.

STAFF RECOMMENDATION The request to relocate the house to 1207 Currey Road meets all four criteria of the state law and staff recommends approval.

Approve, *Consent Agenda (9-0)*

Resolution No. BL2007-400

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-293U-13 is **APPROVED. (9-0)**”

23. 2007S-305G-14

Hickory Hills, Ph. 3, Sec. 19, Resub. Lots 245 &
Map 076-05-0-A, Parcel 003, 004
Subarea 14 (2004)
Council District 12 - Jim Gotto

A request for a sidewalk variance for properties located at 2725 Leesa Ann Lane and 3000 Darrington Way, at the southwest corner of Darrington Way and Leesa Ann Lane (0.52 acres), zoned R10, requested by Thomas and Robin Caldarulo and Vipul and Pratima Patel, owners, MEC Inc., surveyor.

STAFF RECOMMENDATION: Approve with conditions, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks.

APPLICANT REQUEST - A request for a sidewalk variance for properties located at 2725 Leesa Ann Lane and 3000 Darrington Way (0.52 acres), zoned One and Two-Family Residential (R10).

ZONING

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

History Hickory Hills Subdivision received final plat approval for Phase 3 of Section 19 in 2005. The recorded subdivision consisted of 11 residential lots. Sidewalks were identified on the plat to front lots 244, 245 and 246. The plat did not show proposed sidewalks for the remaining 8 lots.

Sidewalks Section 3-8.1 of the Subdivision Regulations requires sidewalks on both sides of new public and private streets. The applicants are requesting a variance to this section of the regulations stating that the installation of a sidewalk will require the construction of a retaining wall and a steeper driveway on each lot, thus creating an undue hardship.

Variances The Planning Commission may grant a variance from the subdivision regulations provided that the following criteria are met:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County.

In the evaluation of the variance request, the existing topographic conditions would make it difficult to install 120 linear feet of sidewalk at this time. The topographic conditions are unique to these two lots and the elimination of the sidewalk would not negatively impact the surrounding area given that sidewalks are non-existent in the remainder of the subdivision.

The developer of this subdivision was required to post a bond for construction of the sidewalk with the recording of the final plat. The current amount held by the Planning Department for the bond is \$27,000.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Topographic conditions exist on the property at this time that make construction of the sidewalks an undue hardship. Had the right of way been properly graded at the time the infrastructure was installed for this subdivision, it is possible that sidewalks could have been installed without significant difficulty. For this reason, staff recommends approval of the variance with a condition that the developer contribute an amount equal to \$92 per linear feet of the required sidewalk to be used by the Department of Public Works to construct a sidewalk in the same Pedestrian Benefit Zone.

CONDITIONS

1. A contribution of one \$92 per linear foot of sidewalk (120 feet) shall be made by the developer for a sidewalk to be constructed in the same Pedestrian Benefit Zone, as outlined in the Subdivision Regulations.

Approval w/conditions, including a variance to Section 3-8.2 of the Subdivision Regulations for sidewalks and with a condition that a contribution be made to the Sidewalk Improvement Fund. (9-0)

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-401

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-305G-14 is **APPROVED WITH CONDITIONS, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks and with a condition that a contribution be made to the Sidewalk Improvement Fund. (9-0)**”

24. **2007S-308G-01**
 Roberts Estates
 Map 008-00, Parcels 028, 216, 217, 218
 Subarea 1 (2003)
 Council District 1 - Lonnell Matthews, Jr.

A request for final plat approval to create 8 lots on properties located at 7931 Whites Creek Pike, Whites Creek Pike (unnumbered) and Baxter Road (unnumbered), at the northwest corner of Whites Creek Pike and Baxter Road (21.08 acres), zoned AR2a, requested by Gary and Carrie Roberts, David and Corlen Roberts, and James W. Roberts, owners, Chandler Surveying, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 8 lots on properties located at 7931 Whites Creek Pike, Whites Creek Pike (unnumbered) and Baxter Road (unnumbered), at the northwest corner of Whites Creek Pike and Baxter Road (21.08 acres), zoned Agricultural/Residential (AR2a).

ZONING

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

SUBDIVISION DETAILS The plat will create eight new lots where four parcels currently exist. The property is approximately 21.08 acres in size. The proposed density is less than one unit per acre (.38 units per acre) and is consistent with the maximum density of one unit per 2 acres allowed in the AR2a zoning district. All lots will be 2 acres or greater in size, ranging from 87,120 sq. ft., (2 acres) to 174,815 sq. ft., (4 acres).

The proposed lots will have frontage on either Whites Creek Pike or Baxter Lane. No new roads are required.

All lots will be served by septic systems and the proposed septic fields are designated on the plat. Prior to recording the final plat, the proposed septic fields must be approved by the Metropolitan Health Department.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The subdivision meets the requirements of the Subdivision Regulations and the Zoning Code.

CONDITIONS

1. Prior to recordation, the Metropolitan Health Department must approve all septic fields and sign the plat.

Approval w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-402

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-308G-01 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. Prior to recordation, the Metropolitan Health Department must approve all septic fields and sign the plat.”

XIII. REVISIONS AND FINAL DEVELOPMENT PLANS

25. **69-82-U-12**
Landmark (Final) (Formerly Cotton Lane Townhomes)
Map 147-11, Parcel 137
Subarea 12 (2004)
Council District 27 - Randy Foster

A request for final site plan approval for a Planned Unit Development located at Cotton Lane (unnumbered), at the northwest corner of Cotton Lane and Northcrest Drive(2.39 acres), zoned RM9, to permit 19 townhome units, requested by Anderson, Delk, Epps & Associates Inc., applicant, for Meridian Construction Co. LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - PUD Final Site Plan

A request for final site plan approval for a Planned Unit Development located at the northwest intersection of Cotton Lane and Northcrest Drive (2.39 acres), zoned RM9, to permit 19 townhome units.

PLAN DETAILS The plan calls for 19 townhomes on approximately 2.39 acres. The overall density will be approximately 8 units per acre. The units will be distributed in four individual buildings that will be accessed from a private drive. Access for the development will be off of Cotton Lane.

The original preliminary for this PUD was approved in 1982 and amended by Council in December 2006 to permit 21 townhomes. The proposed layout of the final site plan is consistent with the preliminary plan approved by Council, with minor changes on the overall plan including the reduction of units.

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions. The plan is consistent with the Council approved preliminary plan.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-403

“BE IT RESOLVED by The Metropolitan Planning Commission that 69-82-U-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of

Public Works for all improvements within public rights of way.

3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

26. 84-87-P-13

Crossings at Hickory Hollow, Resub. Rev. 1 Lots 2 & 3
Map 163-00, Parcel 339
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request to revise a portion of the preliminary plan for a Planned Unit Development located at 5400 Mt. View Road, at the southeast corner of Mt. View Road and Crossings Boulevard (8.15 acres), zoned R15, to allow 60,000 square feet of retail, restaurant, and hotel uses where 68,350 square feet of retail use was previously approved, requested by Pilcher Properties, applicant, for Christopher and Hyun Chung, owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD

A request to revise a portion of the preliminary plan for a Planned Unit Development located at 5400 Mt. View Road, at the southeast corner of Mt. View Road and Crossings Boulevard (8.15 acres), zoned One and Two-Family Residential (R15), to allow 60,000 square feet of retail, restaurant, and hotel uses where 68,350 square feet of retail was previously approved.

PLAN DETAILS

Site Design The plan calls for a total of 60,000 square feet of retail/commercial, restaurant and hotel uses. The uses will be distributed among five buildings. Three buildings will be located along Crossings Boulevard including two 4,000 square foot buildings to be used for restaurant space and one 9,200 square foot building to be used for retail/commercial space. The two remaining buildings will be along Mount View Road, and will include a 36,900 square foot, three story hotel and a 5,900 square foot building to be used for retail/commercial space.\

Parking In order to move a majority of the parking to the rear of the buildings and provide better sidewalk connectivity, the applicants have worked with staff to modify the submitted revised plan to its current state. While there will be some parking located along Mount View Road and Crossings Boulevard the majority will be behind the building. Adequate parking is provided, however, a shared parking agreement will be required if the property is subdivided for the buildings to be on individual lots.

Access Access will be provided from two points off Mount View Road and one point off Crossings Boulevard.

Sidewalks are identified on the plan along both Mount View Road and Crossings Boulevard. An internal sidewalk network is shown which provides for safe pedestrian movement within the development.

This property is within a larger PUD that has been revised numerous times in the past. This property was last approved for one 60,000 square foot building to be used for retail and commercial.

PUBLIC WORKS RECOMMENDATION

1. The developer’s construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. A TIS is required.

STORMWATER RECOMMENDATION Approve with the following condition:

Offsite water traverses the property. An easement width is depicted but doesn't appear to be an adequate width. See Volume 1, Section 6.3.3. Buildings reside within easement widths. No buildings are allowed within the easement.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. A shared parking agreement shall be required with any final PUD application. Prior to any final PUD approval, a shared parking study must be submitted to the Metro Department of Public Works for review and approval.
2. The plan shall be revised to show sidewalks as indicated on the sketch plan distributed to staff.
3. Pole signs shall not be permitted, and all free standing signs shall be monument type not exceeding five feet in height. All other signs shall be subject to meeting all requirements for the CS zoning district.
4. Easements for offsite water that traverses the property shall be appropriately sized in accordance with Volume 1, Section 6.3.3 of the Stormwater Management Manual. Buildings shall not reside within easement boundaries.
5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-404

“BE IT RESOLVED by The Metropolitan Planning Commission that 84-87-P-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A shared parking agreement shall be required with any final PUD application. Prior to any final PUD approval, a shared parking study must be submitted to the Metro Department of Public Works for review and approval.
2. The plan shall be revised to show sidewalks as indicated on the sketch plan distributed to staff.

3. Pole signs shall not be permitted, and all free standing signs shall be monument type not exceeding five feet in height. All other signs shall be subject to meeting all requirements for the CS zoning district.
4. Easements for offsite water that traverses the property shall be appropriately sized in accordance with Volume 1, Section 6.3.3 of the Stormwater Management Manual. Buildings shall not reside within easement boundaries.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

- 27. 89P-018G-12**
 Gillespie Meadows
 Map 172-00, Part of Parcel 08
 Subarea 12 (2004)
 Council District 31 - Parker Toler

A request to revise a portion of the final site plan and for final approval for a Commercial Planned Unit Development located at 6005 Nolensville Pike, south of Bradford Hills Drive, classified SCN, (2.18 acres), to permit a two-lane drive-thru facility with 16,992 square feet of restaurant, retail, and office uses, requested by Azimtech Engineering, applicant, for Yazdian Construction Co., owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - PUD Final Site Plan

A request to revise a portion of the final site plan and for final approval for a Commercial Planned Unit Development located at 6005 Nolensville Pike, south of Bradford Hills Drive, classified SCN, (2.18 acres), to permit a two-lane drive-thru facility with 16,992 square feet of restaurant, retail, and office uses.

PLAN DETAILS The request is to revise a portion of the Gillespie Meadows PUD. The portion to be revised is on the north side of parcel 87 to permit a 16,992 square foot two-story building. The south portion of parcel 87 has final PUD approval for 9,200 square foot commercial building which has been developed.

The building will be used for a bank and an office. The revised plan is similar to the most recently approved preliminary plan with three exceptions. The total building area is approximately 2,000 square feet smaller in size. There is an addition of two drive-thru lanes on the north side of the building to allow the bank to provide drive-thru teller services. An additional row of parking has been added along the front of the building.

The approved access from Nolensville Pike has not been changed. An internal access drive will allow traffic to exit onto Bradford Hills Road. The proposed changes do not conflict with the existing structures and are consistent with the overall PUD concept. While a drive-thru was not included in the most recent preliminary plan, both banks and drive-thrus were contemplated uses and are permitted in the base SCN zoning district.

PUBLIC WORKS RECOMMENDATION Approve with the following conditions:

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

2. Comply with previous PUD conditions.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-405

"BE IT RESOLVED by The Metropolitan Planning Commission that 89P-018G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

28. 94P-012U-14

Fairfield Communities PUD (Amenities Center)
 Map 062-00, Part of Parcel 037
 Subarea 14 (2004)
 Council District 15 - Phil Claiborne

A request to revise a portion of the preliminary plan and for final site plan approval for a portion of the Fairfield Communities Planned Unit Development located at 2415 McGavock Pike, at the northeast corner of McGavock Pike and Pennington Bend Road (9.18 acres), zoned CA, to permit a 2,340 square foot amenities center, requested by Caldwell Engineering & Surveying, applicant, for Fairfield Communities Inc., owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD & PUD Final Site Plan

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development located at 2415 McGavock Pike, at the northeast corner of McGavock Pike and Pennington Bend Road, classified Commercial Attraction (CA) (9.18 acres), to permit the development of a 2,340 square foot amenities center

PLAN DETAILS The revised plan proposes a 2,340 square foot amenities center with an 8 foot porch attached to the front of the facility. The proposed revision will increase the overall PUD square footage from 1,065,942 square feet to 1,068,282 square feet.

The approved PUD does allow uses such as an amenities center for recreational purposes. The revision to the preliminary plan is consistent with the concept of the preliminary amended PUD approved by the Metro Planning Commission on January 6, 2000.

Parking The plan proposes a total of 75 parking spaces. Four parking spaces are identified as handicap parking spaces.

Landscaping Landscaping will be provided around all sides of the amenities center.

History In 2003, there was a request to change the zoning from Commercial Attraction (CA) to Agricultural/Residential (AR2a), to cancel the undeveloped phase III of the preliminary PUD, which was approved for 204 multi-family units, and to amend the total number of multi-family units for phase I and II to 396 units. This was withdrawn by the Metro Council on August 19, 2003.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Label and dedicate 5 feet of right of way (30 feet from centerline) along Pennington Bend Road, consistent with the approved major street and collector plan.

STAFF RECOMMENDATION The request to revise the preliminary plan is consistent with the preliminary amended PUD approved by the Metro Planning Commission on January 6, 2000, and staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-406

“BE IT RESOLVED by The Metropolitan Planning Commission that 94P-012U-14 is **APPROVED WITH CONDITIONS**. (9-0)

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

- 29. 2004P-013G-12**
Mill Creek Towne Centre (Regions Bank)
Map 181-00, Parcel 254
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to revise a portion of the preliminary plan and for final approval of the Mill Creek Towne Center Commercial Planned Unit Development located at 6700 Nolensville Pike, approximately 480 feet west of Concord Road (1.2 acres), zoned SCC, to permit a 3,820 square foot financial institution where 5,200 square feet of retail/restaurant uses were previously approved, and to revise portions of the plan to adjust parking throughout the development, requested by Littlejohn Engineering Associates, applicant, for Regions Bank, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD & PUD Final Site Plan

A request to revise a portion of the preliminary and for final site plan approval for the Commercial Planned Unit Development located along the east side of Nolensville Pike, at Concord Hills Drive, classified SCC, (1.2 acres) to permit a 3,820 square foot bank, replacing a 5,200 square foot retail/restaurant use previously approved on this site, and to update the parking counts for the remainder of the PUD in order to meet the Code requirements.

PLAN DETAILS

History The original Mill Creek Towne Centre preliminary PUD was approved by the Metro Council in July 2004, which included single-family lots, townhomes, and a range of retail/restaurant uses. The final PUD was approved with conditions by the Planning Commission on March 24, 2005, for 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and grocery store uses.

The preliminary PUD approved 5,200 square feet of general retail or restaurant on this outparcel. The current proposal for a bank is consistent with the original PUD and is consistent with the underlying SCC base zoning. The proposed plan for this outparcel reduces the floor area on this parcel from 5,200 square feet to 3,820 square feet.

Site Layout, Access, and Parking The plan proposes a bank building with associated surface parking located on three sides. The building includes five drive-thru teller bays located on the south side of the building. The building is oriented towards Nolensville Pike and does not include any parking between the street and the building to provide a more unobstructed view of the building. There is one main ingress/egress point located off the internal access road in the PUD.

Sidewalks Internal walkways are provided to allow pedestrian movement throughout the PUD, while a sidewalk already exists in front of the site along Nolensville Pike.

Parking The proposed revision to the preliminary PUD updates the parking counts for the entire PUD in order to meet the Zoning Code requirements. Previous plans were approved with incorrect parking tabulations, which included standards from the Urban Zoning Overlay instead of the general parking requirements of the Code. This revision corrects the parking numbers to meet the Code requirements for the entire PUD.

STORMWATER RECOMMENDATION Approve

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve w/conditions, *Consent Agenda (9-0)*

Resolution No. BL2007-407

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.”

30. **2005P-008G-06**
 Harpeth Village (Rite-Aid Pharmacy)
 Map 156-09-0-A, Parcel 005
 Subarea 6 (2003)
 Council District 35 - Bo Mitchell

A request for final site plan approval for a portion of the Harpeth Village Planned Unit Development located at 7996 Highway 100, at the northwest corner of Highway 100 and Temple Road, (1.32 acres), zoned CL and RM6, to construct 11,157 square feet of retail use, requested by NOM LLC, applicant, for Kimco Barclay Harpeth Partners L.P., owner.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-008G-06, indefinitely at the request of the applicant. (8-0)

- 31. 2005UD-008U-13**
Hamilton Hills Variance Request
Map 150-00, Parcel 121
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request for a variance to Table 17.12.020B of the Zoning Code for property within the Hamilton Hills Urban Design Overlay district located at 3179 Hamilton Church Road, approximately 300 feet west of Hamilton Glen Drive, classified AR2a district, (3.19 acres), to allow 20 foot side setbacks where 30 feet is required by the Zoning Code, requested by St. Pishoy Coptic Orthodox Church, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - A request for a variance to Table 17.12.020B of the Zoning Code for property within the Hamilton Hills Urban Design Overlay district located at 3179 Hamilton Church Road, approximately 300 feet west of Hamilton Glen Drive, classified Agricultural/Residential (AR2a) district, (3.19 acres), to allow 20 foot side setbacks where 30 feet is required by the Zoning Code.

ZONING

AR2a District - AR2a requires a minimum 2 acre lot and is intended for low-density residential development.

PLAN DETAILS The subject property is located within the boundaries of the Hamilton Hills Urban Design Overlay (UDO). Because this development proposal will proceed using the existing zoning, the requirements of the UDO are not directly applicable and the proposed building must follow the setback requirements of the Zoning Code.

Although the UDO does not directly apply to this parcel, the UDO does address issues of compatibility, such as setbacks, pedestrian connections and vehicular access, for surrounding development and non-UDO development within the Hamilton Hills UDO boundaries.

By itself, the current variance proposal for 20 foot side setbacks is not incompatible with the Hamilton Hills UDO, which allows for relatively short side setbacks for townhouse and single-family development. The applicant also proposes to maintain two existing driveways connecting the site to Hamilton Church Road, however, which is not consistent with the intent of the UDO. The UDO calls for the reduction of driveway connections to streets. Staff recommends the variance request and site design be altered to consolidate the two existing driveways into one driveway to give the proposed development stronger compatibility to the UDO.

Staff's proposed condition of approval will change the nature of the variance. Because of the intended building layout, a single two-way driveway on one side of the building will likely eliminate the need for a variance for the west side setback. A setback of ten feet along the east property line would be needed to give the applicant the same amount of buildable space requested under the original variance request.

Staff recommends approval of a ten foot east side setback because setbacks of 5-10 feet would be allowed for townhouses and single-family dwellings on the subject property if developed under the setbacks allowed by the UDO. Additionally, the ten foot setback would separate the proposed building from dedicated open space within an adjacent PUD to the east of the subject site and would not appear to impact any developed properties within the adjacent PUD.

The location of this property within the Hamilton Hills UDO constitutes a hardship if the applicant intends to comply with the goals of that UDO. The applicant has already followed the intent of the UDO by locating the proposed building along Hamilton Church Road with parking located to the rear of the property. Building placement closer to the south property line, with parking placed closer to the street, might offer more building space to meet the applicant's desired goal. Staff recommends the consolidation of driveways to allow the proposed development to meet the overall intent of the UDO. The applicant should have the ability to follow setbacks comparable to the UDO standards if the UDO intent is met and the property is located within the UDO boundary.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS -Remove one driveway connection to Hamilton Church Road and consolidate into a single, two-way vehicular driveway connection. Provide a ten foot building setback along the east property line and create the consolidated driveway on the west side of the property.

Mr. Greg Johnson presented and stated that staff is recommending approval with conditions.

A member of St. Pishoy Coptic Orthodox Church spoke in favor of the request for two driveways.

Mr. McLean requested clarification regarding the driveway located to the east.

Mr. Johnson explained the driveway lengths and setbacks to the Commission.

Mr. Gotto requested clarification for the requested variance.

Mr. Bernhardt explained the purpose of the UDO in relation to the staff recommendation and the requested variance.

Ms. LeQuire requested additional information regarding the request.

Mr. Bernhardt explained that the request does not contain a hardship which is required for a variance. .

Ms. Nielson spoke but it was inaudible.

Mr. Bernhardt explained that the Commission's recommendation is for the BZA.

Ms. Cummings acknowledged the request made by the applicant. She suggested that the planning staff continue to work with the applicant.

Mr. Gotto suggested that the planning staff continue to work with the applicant to somehow accommodate the request. He then suggested a possible deferral.

There was a brief discussion regarding the action taken by the Commission and how their action would be affect the hearing of the BZA.

Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions 2005UD-008U-13 with the condition that staff continue to work with the applicant on the driveway design. **(7-0)**

Resolution No. BL2007-408

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-008U-13 is **APPROVED WITH CONDITIONS, including that staff work with the applicant on the driveway design. (9-0)**

Conditions of Approval:

1. Remove one driveway connection to Hamilton Church Road and consolidate into a single, two-way vehicular driveway connection. Provide a ten foot building setback along the east property line and create the consolidated driveway on the west side of the property.”

XIV. OTHER BUSINESS

32. Proposed Amendments to Commission Rules and Procedures.

Approved, (9-0) *Consent Agenda*

33. Correction to the September 27, 2007 minutes.

Approved, (9-0) *Consent Agenda*

Resolution No. BL2007-409

“BE IT RESOLVED by The Metropolitan Planning Commission that the Correction to the September 27, 2007 Planning Commission Minutes was **APPROVED. (9-0)**”

34. 2004S-104G-13

Preserve at Old Hickory, Phase Two - A request to clarify the previous action to extend the approval of preliminary plat for 157 lots, located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (50.99), classified within the RS10 districts, requested by Ole South Properties, owner, and MEC, Inc., engineer.

APPLICANT REQUEST - Preliminary Plat Extension

A request to clarify the previous action to extend the approval of preliminary plat for 157 lots, located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (50.99), classified Single-Family Residential (RS10) district.

Staff Recommendation - The Preserve at Old Hickory Phase Two preliminary plat was extended by the Planning Commission on November 14, 2006, for the reasons stated in the original staff report, included below. Even though the plat was only extended for one year, staff concluded that the development rights of the subdivision were essentially vested and the Planning Commission approved that request. For that reason, staff has now determined that the expiration period does not apply to this preliminary plat. This report is included as a clarification to last year's request to extend the preliminary plat.

November 14, 2006, Staff Report - Section 3-3.5 of the Subdivision Regulations (below), stipulates the effective period of preliminary plat approval. According to Section 3-3.5, the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if the Commission finds that significant progress has been made in developing the subdivision.

The Preserve at Old Hickory was originally submitted as one application for 306 lots on 94.51 acres. During the review, issues were raised about the Southeast Arterial which bisects this property. The Southeast Arterial was originally envisioned as a limited access highway. At the time this application was submitted, the planned roadway was contemplated to be downgraded to a limited access parkway. In order to work with staff, the developer broke the subdivision into 2 phases. This allowed them to begin working on the first half of the subdivision that was not in the path of the Southeast Arterial. Several months later, when consensus was reached on the dedication for the Southeast Arterial, Phase 2 was approved.

The Preserve at Old Hickory, Phase One (159 lots) was approved 5/13/2004 and final plats have been recorded. The Preserve at Old Hickory, Phase Two (157 lots) was approved 11/11/2004 and expires on 11/11/2006. The Planning Commission Meeting was originally set for 11/09/2006 so staff has considered this as a request to extend the preliminary plat approval for one additional year as allowed in the regulations, rather than a variance to “revive” an expired plat.

Phase Two requires the completion of Phase One roads and infrastructure. Although the subdivision was approved in two phases, it is essentially one subdivision and final plats have been recorded to “vest” the development rights of the subdivision. Staff recommends that the approval of 11/11/2004 be extended for one additional year.

APPLICABLE SUBDIVISION REGULATION 3-3.5 Effective Period of Preliminary Approval –

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.

PREVIOUS CONDITIONS OF APPROVAL (11/11/2004)

Resolution No. RS2004-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-104G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Preserve Boulevard right-of-way south of roads L and K shall be abandoned when the Southeast Arterial is constructed.
2. Intersection of Preserve Boulevard with Roads K and L and the intersection of Road S and N do not appear to be aligned at ninety degrees. When construction plans are submitted, these intersections may be allowed to intersect at no less than 75 degrees if an obstacle prevents a standard alignment.
3. The center line of Road N does not appear to conform to AASHTO geometric design requirements for a 30 mph design speed.
4. Since Preserve Blvd. will not connect to Phase 1 (due to the southeast arterial), this segment of Preserve Blvd. should have a different name.
5. The proposed Ashford Trace shall be revised to intersect with the proposed southeast arterial at a 90-degree angle.”

Approved, (9-0) *Consent Agenda*

Resolution No. BL2007-409

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-104G-13 is **APPROVED. (9-0)**”

35. Contract between the Greater Nashville Regional Council (GNRC) and the Nashville-Davidson County MPC acting on behalf of the Nashville Area MPO for transportation planning services.

Approved, (9-0) *Consent Agenda*

36. Contract between the Regional Transportation Authority (RTA) and the Nashville-Davidson County MPC acting on behalf of the Nashville Area MPO for commuter rail planning services.

Approved, (9-0) *Consent Agenda*

37. Memorandum of Agreement for the Administration of the MPO Regional Planning Dues Policy between the Nashville Area Metropolitan Planning Organization and the Metropolitan Government of Nashville-Davidson County.

Approved, (9-0) *Consent Agenda*

39. Procedures for Processing Motor Vehicle Business Establishment Applications

Mr. Kleinfelter addressed the Commission and requested that the Commission approve staff’s request to be allowed to review the motor vehicle business enterprise applications. He then explained the two conditions that would be required in order to administratively approve these applications. The first requirement would be that the property had housed a car lot within the past 12 months, and that no other business has been on that property for the past 12 months.

Mr. Kleinfelter explained how the 12 month period would be monitored through the Codes Department.

Ms. Lequire requested additional information regarding the request.

Mr. McLean requested that these applications be made known to the Commission.

There was continued discussion regarding this request amongst the Commissioners.

Mr. Gotto asked that those applicants currently waiting for approval be notified of this action.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously to approve the request for staff to review the Motor Vehicle Business Establishment applications administratively. (7-0)

40. Executive Director Reports

38. Legislative Update

ADMINISTRATIVELY APPROVED SUBDIVISIONS

SUBDIVISION LIST	
MPCNUMB	NAME
2007S-303U-13	HURRICANE CREEK INDUSTRIAL PARK, SEC. 4
2004S-328G-13	ARBOR CREST
2007S-286U-07	JOHNSON PARTNERS
2007S-201U-12	IWASH ONE CONSOLIDATION PLAT
2006S-342G-14	TOWERING OAKS, PH. 1
2007S-001G-12	MT. PISGAH HILLS
2007S-200U-10	W.M. CANTRELL'S CONSOLIDATION, LOTS 1 & 2
2007S-281G-12	CONCORD PLACE II, PH. 1
2007S-202U-12	SPENCER HILL, SECTION 2
2007S-299U-07	JOCELYN HILLS CONSOLIDATION PLAT
2007S-267U-05	GEORGE C. WATERS RESUB. LOT 5
2007S-261U-12	WOODLANDS, PH. 4, SEC. 1B

XV. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Chairman

Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, 2nd. Floor, Nashville, TN 37201, (615)862-7150. **Title VI inquiries should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **Contact Department of Human Resources for all employment related inquiries at (615)862-6640.**